

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 22, 1911.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for the great men who have contributed to the life, growth, and character of our Republic, especially for that heroic soul who led our fathers to victory in the unequalled contest between the American Colonies and the oppression of the mother country and established our independence; then wove his own incomparable character into the warp and woof of a government of the people, by the people, for the people; then first in the hearts of his countrymen, now first in the hearts of their children, and first in the hearts of the liberty loving people of all the world. Grant that the millions who love him may repeat in song and story on this his natal day his deeds and strive earnestly to follow his illustrious example, that our Republic may become great in all that makes a nation great, to the honor and glory of Thy holy name. Amen.

The Journal of the proceedings of yesterday, Tuesday, February 21, was read and approved.

CALL OF THE HOUSE.

Mr. DWIGHT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from New York [Mr. DWIGHT] makes the point of order that a quorum is not present. The point is sustained.

Mr. DWIGHT. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from New York moves a call of the House. The question is on agreeing to that motion.

The question was taken; and there were—ayes 51, noes 18.

So the motion was agreed to.

The SPEAKER. A call of the House is ordered. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Alexander, N. Y.	Gaines	Law	Rhinock
Ashbrook	Gallagher	Lawrence	Riordan
Bates	Gardner, Mass.	Lindsay	Sabath
Bennett, Ky.	Gardner, Mich.	McCredie	Saunders
Borland	Garner, Pa.	McDermott	Sheffield
Bowers	Gill, Mo.	McGuire, Okla.	Sherley
Burke, Pa.	Glass	Malby	Sisson
Burke, S. Dak.	Goebel	Maynard	Small
Burleigh	Goulden	Millington	Smith, Cal.
Burleson	Gregg	Mondell	Smith, Mich.
Byrd	Hardy	Morgan, Okla.	Snapp
Capron	Havens	Mudd	Sparkman
Clark, Fla.	Heflin	Murdock	Sperry
Conry	Hill	O'Connell	Steenerson
Cooper, Pa.	Hobson	Palmer, A. M.	Taylor, Ohio
Coudrey	Howard	Parsons	Underwood
Crow	Huff	Patterson	Vreeland
Denby	Hughes, W. Va.	Plumley	Wallace
Driscoll, D. A.	Johnson, Ohio	Poindexter	Willett
Elvins	Joyce	Pou	Wood, N. J.
Fassett	Kahn	Pray	Woodyard
Foelker	Korbly	Rauch	
Fornes	Kronmiller	Reeder	
Fowler	Langley	Reid	

The SPEAKER. On this roll call 200 Members—a quorum—have answered "present."

Mr. DWIGHT. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

NAVAL APPROPRIATION BILL.

The SPEAKER. The previous question was ordered on yesterday upon the naval appropriation bill (H. R. 32212) and all amendments to the final passage. Is a separate vote asked for on any amendment? If not, the vote will be taken on the amendments in gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. PADGETT. Mr. Speaker, I move to recommit the bill to the Committee on Naval Affairs, with instructions to strike out, on page 59, line 23, the word "two" and insert "one;" and to strike out the letter "s" in the word "battleships;" and to strike out the word "each" in line 24, page 59, and in line 3, page 60, and forthwith to report the bill so amended to the House, and upon that motion I demand the previous question.

The SPEAKER. The gentleman from Tennessee moves to recommit the bill, with the following instructions:

The Clerk read as follows:

Recommit the bill to the Committee on Naval Affairs with instructions to strike out, on page 59, line 23, the word "two" and insert "one;" to strike out the letter "s" of the word "battleships;" and strike out the word "each" in line 24, page 59, and line 3, page 60, and forthwith report the bill so amended to the House.

The SPEAKER. And on that motion the gentleman demands the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Tennessee.

Mr. PADGETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 167, answered "present" 4, not voting 75, as follows:

YEAS—137.

Adair	Edwards, Ga.	Kitchen	Robinson
Adamson	Ferris	Korbly	Rodenberry
Ames	Finley	Lafane	Roderberg
Anderson	Fitzgerald	Latta	Rucker, Colo.
Barnard	Flood, Va.	Lawrence	Rucker, Mo.
Barnhart	Floyd, Ark.	Lenroot	Scott
Bartholdt	Foster, Ill.	Lindbergh	Sharp
Bartlett, Ga.	Foster, Vt.	Lively	Sheppard
Beall, Tex.	Fuller	Livingston	Sherwood
Bell, Ga.	Garner, Tex.	Lloyd	Simmons
Boehne	Garrett	McCall	Sims
Booher	Gillett	McCreary	Sisson
Burgess	Godwin	Macon	Slayden
Burnett	Goldfogle	Madden	Smith, Tex.
Byrns	Gregg	Maguire, Nebr.	Stafford
Campbell	Hamlin	Mann	Stanley
Cantrill	Hammond	Mays	Stephens, Tex.
Carter	Hardwick	Mondell	Sulzer
Cassidy	Hardy	Morse	Tawney
Chapman	Harrison	Moss	Taylor, Colo.
Clark, Mo.	Havens	Murphy	Thistlewood
Clayton	Hay	Nelson	Thomas, Ky.
Cline	Helm	Nicholls	Thomas, N. C.
Cocks, N. Y.	Henry, Conn.	Norris	Tou Velle
Collier	Henry, Tex.	Nye	Turnbull
Cowles	Hollingsworth	Oldfield	Underwood
Cox, Ind.	Houston	Padgett	Volstead
Creager	Howland	Page	Washburn
Cullop	Hubbard, W. Va.	Peters	Watkins
Dent	Hughes, Ga.	Pratt	Webb
Denver	Hull, Tenn.	Prince	Weisse
Dickinson	James	Rainey	Wickliffe
Dickson, Miss.	Jamieson	Randell, Tex.	
Dies	Johnson, S. C.	Rauch	
Draper	Joyce	Richardson	

NAYS—167.

Aiken	Elvins	Keifer	O'Connell
Alexander, Mo.	Englebright	Kelher	Olcott
Alexander, N. Y.	Esch	Kendall	Olmsted
Ansbrey	Estopinal	Kennedy, Iowa	Palmer, H. W.
Anthony	Fairchild	Kennedy, Ohio	Parker
Austin	Fish	Kinkaid, Nebr.	Parsons
Barefield	Focht	Kinkaid, N. J.	Payne
Barclay	Fordney	Knapp	Pearre
Bartlett, Nev.	Foss	Knowland	Pickett
Bennet, N. Y.	Gardner, N. J.	Kopp	Pujo
Bingham	Garner, Pa.	Küstermann	Ransdell, La.
Boutell	Gill, Md.	Lamb	Roberts
Bradley	Gillespie	Langham	Rothermel
Brantley	Good	Lee	Shackelford
Broussard	Graft	Legare	Sherley
Burke, S. Dak.	Graham, Ill.	Longworth	Slemp
Butler	Graham, Pa.	Loud	Smith, Iowa
Calder	Grant	Loudenslager	Snapp
Calderhead	Greene	Lowden	Sparkman
Carlin	Griest	Lundin	Spight
Cary	Guernsey	McHenry	Steenerson
Cole	Hamer	McKinlay, Cal.	Sterling
Conry	Hamill	McKinley, Ill.	Stevens, Minn.
Cooper, Wis.	Hamilton	McKinney	Sturgiss
Covington	Hanna	McLachlan, Cal.	Sulloway
Cox, Ohio	Haugen	McLaughlin, Mich.	Swasey
Cravens	Hawley	McMorran	Talbot
Crumpacker	Hayes	Madison	Taylor, Ala.
Currier	Heald	Malby	Taylor, Ohio
Dalzell	Higgins	Martin, Colo.	Thomas, Ohio
Davidson	Hinshaw	Martin, S. Dak.	Tilson
Davis	Hitchcock	Massey	Townsend
Dawson	Hobson	Miller, Kans.	Wanger
Diekema	Howell, N. J.	Miller, Minn.	Weeks
Dodds	Howell, Utah	Mitchell	Wheeler
Douglas	Hubbard, Iowa	Moon, Pa.	Wiley
Dupre	Hughes, N. J.	Moon, Tenn.	Wilson, Ill.
Durey	Hull, Iowa	Moore, Pa.	Wilson, Pa.
Dwight	Humphrey, Wash.	Morehead	Woods, Iowa
Edwards, Ky.	Humphreys, Miss.	Morgan, Mo.	Young, Mich.
Ellerbe	Johnson, Ky.	Moxley	Young, N. Y.
Ellis	Jones	Needham	

ANSWERED "PRESENT"—4.

Andrus	Candler	Dixon, Ind.	Driscoll, M. E.
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NOT VOTING—75.

Ashbrook	Burke, Pa.	Clark, Fla.	Denby
Bates	Burleigh	Cooper, Pa.	Driscoll, D. A.
Bennett, Ky.	Burleson	Coudrey	Fassett
Borland	Byrd	Craig	Foelker
Bowers	Capron	Crow	Fornes

Fowler	Hughes, W. Va.	Morgan, Okla.	Sabath
Gaines	Johnson, Ohio	Morrison	Saunders
Gallagher	Kahn	Mudd	Sheffield
Gardner, Mass.	Kronmiller	Murdock	Small
Gardner, Mich.	Langley	Palmer, A. M.	Smith, Cal.
Gill, Mo.	Law	Patterson	Smith, Mich.
Glass	Lever	Plumley	Southwick
Goebel	Lindsay	Polindexter	Sperry
Gordon	McCredie	Pou	Vreeland
Goulden	McDermott	Pray	Wallace
Heffin	McGuire, Okla.	Reeder	Willett
Hill	Maynard	Reid	Wood, N. J.
Howard	Millington	Rhinock	Woodyard
Huff	Moore, Tex.	Riordan	

So the motion was not agreed to.

The following additional pairs were announced:

For the session:

Mr. ANDRUS with Mr. RIORDAN.

Mr. HILL with Mr. GLASS.

Until further notice:

Mr. WOODYARD with Mr. ASHBROOK.

Mr. LANGLEY with Mr. SABATH.

Mr. GARDNER of Michigan with Mr. BURLESON.

Mr. MORGAN of Oklahoma with Mr. SMALL.

Mr. MURDOCK with Mr. RHINOCK.

Mr. BATES with Mr. BOWERS.

Mr. BENNETT of Kentucky with Mr. CLARK of Florida.

Mr. BURKE of Pennsylvania with Mr. CRAIG.

Mr. BURLEIGH with Mr. GILL of Missouri.

Mr. CAPRON with Mr. GORDON.

Mr. COOPER of Pennsylvania with Mr. GOULDEN.

Mr. DENBY with Mr. GALLAGHER.

Mr. GAINES with Mr. HEFFLIN.

Mr. KAHN with Mr. HOWARD.

Mr. MCGUIRE of Oklahoma with Mr. LINDSAY.

Mr. MILLINGTON with Mr. MAYNARD.

Mr. SMITH of California with Mr. MOORE of Texas.

Mr. SMITH of Michigan with Mr. WILLETT.

Mr. PRAY with Mr. POU.

Mr. SOUTHWICK with Mr. REID.

Mr. MCCREDIE with Mr. WALLACE.

Mr. WOOD of New Jersey with Mr. PATTERSON.

From February 22, 10 a. m., until February 23, 10 a. m.:

Mr. FASSETT with Mr. DIXON of Indiana.

From February 22 until February 23:

Mr. LAW with Mr. MORRISON.

Ending February 23, noon:

Mr. JOHNSON of Ohio with Mr. A. MITCHELL PALMER.

From 2 p. m. February 22 until February 23, noon:

Mr. PLUMLEY with Mr. CANDLER.

Commencing February 21, ending February 23, inclusive:

Mr. SHEFFIELD with Mr. DANIEL A. DRISCOLL.

For balance of day:

Mr. KRONMILLER with Mr. LEVER.

Mr. MICHAEL E. DRISCOLL with Mr. BORLAND.

Commencing February 23, ending March 1:

Mr. SPERRY with Mr. MCDERMOTT.

On this vote:

Mr. REEDER with Mr. FORNES.

For balance of session:

Mr. HUGHES of West Virginia with Mr. BYRD.

On two battleships:

Mr. VREELAND (against) with Mr. SAUNDERS (in favor).

Mr. SAUNDERS. Mr. Speaker, I am paired with the gentleman from New York, Mr. VREELAND. I notice that the pair was not announced. If he were present, I would vote "aye."

Mr. ANDRUS. Mr. Speaker, I voted "aye," but I am paired with the gentleman from New York, Mr. RIORDAN. I wish to withdraw that vote and answer "present."

Mr. ANDRUS voted "present" as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. Foss, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FORTIFICATIONS BILL.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 32865) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes. And pending that, I ask unanimous consent that general debate be had for 40 minutes, 20 minutes on a side, to be controlled by the gentleman from Kentucky [Mr. SHERLEY] and myself.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the fortifications bill, and pending that asks unanimous consent that all general debate on this bill be limited to 40 minutes, one-half to be controlled by himself and one-half by the gentleman from Kentucky [Mr. SHERLEY]. Is there objection? [After a pause.] The Chair hears none.

Mr. BOEHNE. Mr. Speaker, this being the anniversary of the natal day of the Father of our Country, George Washington, I ask unanimous consent that Representative SHEPPARD, of Texas, be given 20 minutes to deliver an address on George Washington.

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The question was taken.

The SPEAKER. Pending the announcement of the vote, the gentleman from Indiana asks unanimous consent, to-day being the anniversary of the birth of George Washington, that Representative SHEPPARD, of Texas, be allowed to address the House, for how long?

Mr. BOEHNE. For 20 minutes.

The SPEAKER. In committee?

Mr. BOEHNE. In the House.

The SPEAKER. But the motion has been agreed to to go into committee.

Mr. MADDEN. I object.

The SPEAKER. The ayes have it, and the motion is agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. STERLING in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the fortifications bill, and the Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 32865) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Iowa. This bill carries, in round numbers, \$5,300,000. It is the lowest fortification bill since that for the fiscal year of 1907 and, with the exception of the bill for 1907, is the lowest in amount carried for 11 years. The amounts appropriated are almost equally divided between continental United States and the insular possessions. It does not include, however, any appropriations for the fortification of the Panama Canal, for the reason that the Panama Canal appropriation estimates were sent in by the department in connection with the sundry civil bill, and it was determined by the Committee on Appropriations that those items should be considered in connection with the canal estimates, and that subject will come before the House in the consideration of the sundry civil bill.

There are no appropriations in this bill for distinctly new armament in continental United States. The appropriation for continental United States consists of matters pertaining to the improvement and efficiency of the existing armament, the improvement of the fire control, and the increase of ammunition supplies and the like. Appropriations are also carried for the mobile artillery and the like. The balance of this bill is for the fortification in the insular possessions.

I want at this time to state that while it has never been the practice of Congress to designate where money should be spent for fortifications, that being left to the wisdom and judgment of the War Department, a somewhat different policy has been pursued in the appropriations for the insular possessions from that heretofore pursued with reference to continental United States.

While not designating where money was to be expended in the insular possessions, it has been the practice to ascertain what would be the cost of the completion of a given unit of defense, and give that amount of money with the understanding that it would be expended for that purpose. This enabled us, as we thought, to know just how far we had progressed in the completion of the Taft Board plans for the fortification of the insular possessions. I regret to say that it now develops that the cost of the works in the Philippines was underestimated, and we have not, therefore, covered so large a percentage of the work to be done in the Philippines with past appropriations as we had hoped we had done. The change probably will amount to at least a million dollars, in the aggregate, but the appropriations for the insular possessions are now drawing to

a conclusion. The appropriations for the Hawaiian Islands are practically closed, and in the Philippine group the fortifications are nearly all provided for. It does not seem to me that the appropriations in the future can be very considerable, and now, as the appropriations for the Philippines have largely been made, I want to say that it is my belief that upon the completion of a somewhat small additional amount of work upon the island of Corregidor it will become one of the great historic fortresses of the world and the most impregnable citadel now in existence on this earth. I am glad this work is now approaching completion in these new possessions before we are compelled to enter upon the expenditures for the fortification of the Panama Canal now at hand.

As this bill contains no new features whatever and is so small compared with the bills of recent years, it was believed there would be little matter of contention contained in it, and for that reason the general debate has been decreased. I reserve the balance of my time.

Mr. STAFFORD. Before the gentleman takes his seat I desire to ask him a question. Will he yield?

Mr. SMITH of Iowa. Certainly.

Mr. STAFFORD. I would like to ask the gentleman whether under the Taft or any other plan there is proposed any fortification for Alaska. It has been called to the attention of the committees of the House recently that there are valuable coal deposits there, and it has also been called to my attention that up in Controller Bay, which is the bay nearest the United States to the rich coal fields of Alaska, there is a harbor that will afford ample protection for our naval fleet. Has there been any consideration by any board as to the fortification of that or any other part of the Alaskan territory?

Mr. SMITH of Iowa. Mr. Chairman, I can only say in reply to that question that during the administration of President Cleveland a special board was created, headed by Secretary Endicott, to report to Congress what fortifications were needed. That board reported, but did not report in favor of fortifying anything on the coast of Alaska. During the last administration a new board was created by Executive order, which was known as the Taft Board. This board was never authorized by Congress, nor has it ever been officially approved of in its work by Congress, but it is the latest work of the War Department on this subject, and it does not recommend the fortification of the coast of Alaska.

Mr. HAMMOND. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. With pleasure.

Mr. HAMMOND. The gentleman referred to an appropriation to be carried in the sundry civil appropriation bill for the fortification of the Panama Canal. It has been reported that the amount of that appropriation is in the neighborhood of four and one-half millions of dollars. Does the gentleman know whether the report is approximately correct?

Mr. SMITH of Iowa. Mr. Chairman, the gentleman is in error when he says that I stated that any appropriation will be carried in the sundry civil appropriation bill for canal fortifications.

Mr. HAMMOND. The gentleman suggested it might be carried.

Mr. SMITH of Iowa. I suggested that the estimates were sent in for the sundry civil appropriation bill and that the matter would be considered upon that bill. It is not proper, Mr. Chairman, for members of the Appropriation Committee to express opinions as to what that committee will probably do in the future on matters not pending before the House. The sundry civil bill has been carefully considered by the subcommittee on the sundry civil bill and has not yet been reported to the Committee on Appropriations. In my judgment it would be ungracious to the Committee on Appropriations to inform the gentleman before that committee even was informed what the subcommittee proposes to do, but I think the gentleman may rest assured that it will not carry four and one-half millions of dollars.

Mr. HAMMOND. May I ask the gentleman, the estimate is about four and a half millions?

Mr. SMITH of Iowa. The estimate is about \$5,000,000, which is an estimate not for the completion, however, but for the next year.

Mr. HAMMOND. That is for next year?

Mr. SMITH of Iowa. That is for next year.

Mr. HAMMOND. The gentleman has stated that the estimates carried in this bill in round numbers amounts to about \$5,300,000.

Mr. SMITH of Iowa. That is correct.

Mr. HAMMOND. If an appropriation of approximately \$4,000,000 be made for the Panama Canal fortifications, would not the total appropriation for fortifications be about as much as has been carried heretofore?

Mr. SMITH of Iowa. I must say to the gentleman that I must decline, with all possible courtesy, to tell him how much I think will be carried in the sundry civil bill for that purpose. Five million dollars are asked for, and I am willing to say to the gentleman, as a matter of mathematics, if \$5,000,000 be authorized the two items together would make approximately \$10,000,000, which would be in excess of bills in recent years.

Mr. HAMMOND. What have the amounts been in recent years?

Mr. SMITH of Iowa. For 1911 it is \$5,600,000; for 1910, \$8,170,000; for 1909, \$9,316,000, and so on.

Mr. HAMMOND. I thank the gentleman.

Mr. SCOTT. Will the gentleman permit me a question?

Mr. SMITH of Iowa. Certainly.

Mr. SCOTT. I see that one of the items of the bill carries an appropriation of \$150,000 for seacoast batteries for the Hawaiian Islands. Can the gentleman tell us with propriety where those batteries will be planted?

Mr. SMITH of Iowa. Well, where they will have the most effective efficiency. All the seacoast batteries were supposed to be provided for these islands and all armament except some small batteries and guns to keep out small boats from the entrance to Pearl Channel. The Hawaiian Islands were supposed to be entirely provided for, with this exception, in the last bill.

Mr. SCOTT. There are no fortifications intended for any of the islands except the Island of Oahu.

Mr. SMITH of Iowa. There were none reported by the Taft Board, and none are contemplated by the War Department.

Mr. SCOTT. My recollection is that the statement was made, in the course of debate upon this floor in the last two days, that Hawaii would fall an easy prey to any enemy which might attack the United States. Is it the judgment of the gentleman as a member of this committee that when we complete the fortifications on the Island of Oahu contemplated, as I understand in the appropriations made in this bill, that the island will be measurably defended?

Mr. SMITH of Iowa. I should say, Mr. Chairman, least of any man here claiming to be an expert on military science, I would state that Honolulu and its harbor and Pearl Channel and Pearl Harbor will be amply defended when the money now appropriated here, or contemplated to be appropriated, shall be expended. It is true that the configuration of this island is such that a landing might be made upon the opposite side of the island from Honolulu, and a landing force might come down upon these fortifications from the rear, but it would be useless to attempt to fortify the opposite side of the island. It is impossible to fortify coasts. What we can possibly fortify would be harbors, and there is no harbor upon the other side of the island and a landing might be effected there, and against such a landing we can rely for our defense upon the protection of the American Army which, I believe, will be there in time to prevent a force landing on the island back of these fortifications.

Mr. COOPER of Wisconsin. How nearly complete are the fortifications at Pearl Harbor?

Mr. SMITH of Iowa. The fortifications on Pearl Harbor are complete so far as mounting the 12-inch guns are concerned, but the harbor is not yet open. Originally Pearl Channel was a winding and tortuous channel with projecting coral reefs, through which nothing more than a 700-ton burden vessel had ever gone under its own power in the history of the world. We are now excavating that channel and forming an entrance into Pearl Harbor, but that work is not yet complete.

The harbor is not yet opened. We are proceeding with the opening of it and its defense and fortification upon parallel lines, and when this channel is so far opened that vessels of sufficient magnitude to be dangerous can enter Pearl Harbor the fortifications at the mouth of it will be absolutely completed.

Mr. COOPER of Wisconsin. To about what depth are they dredging it?

Mr. SMITH of Iowa. It is not strictly a process of dredging. It is the cutting away of these coral reefs. The water is deep enough in Pearl Channel, and always was, but the channel was winding and tortuous and filled with these projecting coral capes.

Mr. COOPER of Wisconsin. I have been over there, and that is the reason I asked about it. What depth are they to make it?

Mr. SMITH of Iowa. I can not tell you the depth, but it will be an ample ship channel for the heaviest naval ships of the world.

Mr. HOBSON. Will the gentleman yield for a minute only?

Mr. SMITH of Iowa. I will, but I have only four minutes, and my colleagues have not had any opportunity whatever.

Mr. HOBSON. Since the question has evidently been raised as to the accuracy of remarks of mine referring to the taking

of Hawaii, I just simply wish to state for the information of the committee that my information was accurate, that the war games have been worked out, and what I stated has actually been the result of the war games, and what was pointed out actually did happen, namely, a landing was made on the opposite side and Pearl Harbor was taken from the rear.

Mr. SMITH of Iowa. I now ask the gentleman from Kentucky [Mr. SHERLEY] to use such portion of his time as he may desire, and I will reserve the balance of mine.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. KNOWLAND having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 9693. An act to provide for the payment of the traveling and other expenses of United States circuit and district judges when holding court at places other than where they reside;

S. 9874. An act to refund to the Gate of Heaven Church, South Boston, Mass., duty collected on stained-glass windows;

S. 10095. An act to provide for the acquisition of a site on which to erect a public building at Gilmer, Tex.; and

S. 8047. An act for the relief of Clement A. Lounsbury.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 31538. An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.; and

H. R. 16268. An act for the relief of Thomas Seals.

The message also announced that the Senate had passed without amendment the following resolution (H. Res. 61):

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and is hereby, requested to return to the House the bill (H. R. 25061) for the relief of Helen S. Hogan.

FORTIFICATIONS APPROPRIATION BILL.

The committee resumed its session.

Mr. SHERLEY. Mr. Chairman, to my party colleagues I owe somewhat of an apology. I shall not be able to explain in detail the bill or add anything of value to what has been said by the gentleman from Iowa [Mr. SMITH], as my sickness prevented my being present during the hearings or during the making up of the bill. But I have carefully gone over the hearings since that time, and over the bill, and it does not carry, in my judgment, any unnecessary items, and it does carry all the necessary items that I am aware of. The estimates submitted to the committee were this year very moderate, and therefore the percentage of reduction is very much less than in previous years; but, as just stated, we do carry all necessary appropriations to continue the defense both of Continental America and all her possessions.

I desire to also second what has just been said by the gentleman from Iowa [Mr. SMITH] touching the Hawaiian Islands. They will, upon the expenditure of the money heretofore appropriated, and in this bill to be appropriated, be in a position of as good defense as we can hope to put them by virtue of fortifications. And gentlemen need not be unduly worried as to the probability of a force landing on the other side of the island on which is situated Honolulu. As stated by the gentleman from Iowa [Mr. SMITH], fortifications necessarily can only protect specific points. It has never been expected that fortifications should protect an entire coast line, and there are hundreds of places upon the American shore, and there must always remain hundreds of places where theoretically, and perhaps practically, a hostile fleet, unmolested, under proper weather conditions, could land a force. That is true of the Hawaiian Islands as it is of America generally, and not true of it in any other sense.

This bill also, as stated by the gentleman, does not carry any of the items in regard to the fortification of Panama. To my mind this was a mistake. I believe that the fortifications of Panama should be carried in the fortification bill. I do not believe that it is proper to charge to the engineering cost of the Panama Canal the moneys that may be expended for the fortification of that canal. And it would have enabled us to have kept more clearly in mind the totals that are to be expended for fortifications if those items had been carried in this bill. But in the wisdom of the committee they were not so carried, and if carried at all, will be carried in the sundry civil bill.

In view of the limited opportunity that I have had to consider this bill in its preparation, I do not know that there is anything further that I can say to the committee at this time. Unless some one desires to ask a question, I will now yield to my colleague.

Mr. MANN. Will the gentleman yield to one question?

Mr. SHERLEY. Certainly.

Mr. MANN. If the gentleman from Alabama [Mr. HOBSON] is correct in that the Hawaiian Islands are going to be taken away from us within 10 months, it would not be desirable to spend any more money out there, I suppose.

Mr. SHERLEY. With due deference both to the patriotism and the learning of the gentleman from Alabama, I have been forced, in contributing my part to the preparation of the fortifications bill, to rely on other opinions.

Mr. MANN. I wondered whether the gentleman from Alabama was going to oppose or favor the proposition.

Mr. SHERLEY. I have not consulted him on that proposition. I have thought it worth while that the Government should continue fortifying, regardless of this opinion of the gentleman, and I think the expenditure of the money will not be interfered with by the taking of the Hawaiian Islands.

Mr. HOBSON. Will the gentleman pardon me? I did not quite catch his meaning.

Mr. SHERLEY. I said that while appreciating his skill and patriotism, I had not in the past, and could not in the consideration of this bill, and the appropriations carried by it, rest upon his views for my position, and that I considered that the money now proposed to be appropriated for fortifications in the Hawaiian Islands would be expended, notwithstanding the prophecy of the gentleman as to the seizure of the islands within 10 months. [Laughter.]

Mr. HOBSON. If the gentleman will permit me, I will say to him that neither heretofore have I gone to him, nor probably hereafter would I ever come to ask him, to take up the execution of propositions relating to the national defense. [Laughter.]

Mr. SHERLEY. I appreciate the fact that we are very wide apart, and probably will remain so—wide enough probably to enable us to meet on the other side. [Laughter.]

Mr. HOBSON. I am not quite sure, Mr. Chairman, that I would like to meet the gentleman beyond the river. [Laughter.]

Mr. JOHNSON of South Carolina. I would like to ask the gentleman from Kentucky how much time it will take to complete the projects laid out by the War Department or by the Fortifications Board.

Mr. SHERLEY. I could not say now from memory.

Mr. JOHNSON of South Carolina. The reason I ask that question is that one year they asked for \$38,000,000, and we appropriated only one-fourth of that amount.

Mr. SHERLEY. I think the gentleman will find in the statement or report accompanying the bill the totals that we have appropriated, and the totals that were recommended by the Taft Board as necessary. Of course, the difference, in a sense, is what remains unappropriated, although it must be borne in mind that a part of the appropriation each year is not used in the completion of the plans, but is used in maintenance and in the purchase of powder for seacoast practice, and other items of that kind, so that the difference between the sum originally estimated and the sum appropriated does not actually show the amount remaining yet to be appropriated. But the gentleman can get for himself all that information by reading the report. I have not been able to refresh my memory sufficiently to answer offhand.

I now yield to my colleague from Kentucky [Mr. HELM] five minutes of my time.

The CHAIRMAN. The gentleman from Kentucky [Mr. HELM] is recognized.

Mr. HELM. Mr. Chairman, while no appropriation is carried in this bill looking to the fortification of the Panama Canal, in view of the fact that this Congress is rapidly drawing to a close and the difficulty of securing time at some future date, it will not be inappropriate now to discuss the question of the fortification of the Panama Canal, and I shall therefore avail myself of the opportunity that has been afforded me by my colleague to say something along that line. All doubt as to the ultimate success and efficiency of the canal can not be removed until after its completion and until it has been demonstrated that it will serve satisfactorily the purpose for which it was intended. If we are not to have a canal and it shall not prove to be a success, then, obviously, there is no occasion for any expenditures for fortifications. But if it shall result, as we all hope and trust and pray it will, that it shall prove to be the triumphant success that we expect it to be, then I am in favor of using the utmost skill at the command of the American Army officers, and I am in favor of appropriating the uttermost penny that shall be required to make the canal as safe, as secure, and as impregnable as our skill and money can make it.

But we might further bear in mind the fact that when the type of the canal was under discussion, and the question was under consideration whether it should be a lock canal or a sea-level canal, there was grave doubt expressed as to whether the

lock type, which has been adopted, will prove to be effective. And in this connection it may also be well enough to bear in mind the fact that the original estimate for the sea-level canal was \$140,000,000. This has now grown to \$400,000,000, not for a sea-level, but for a lock type of canal, which has always been considered the cheaper proposition of the two. The appropriation that I understand will be reported to the House by the committee is, I take it, but the initial sum; and, as I said before, after it has been demonstrated that the canal will carry our fleet from one ocean to the other, that it will carry the large ocean-going vessels of commerce efficiently and satisfactorily, then I say this Government should not spare any sum to make it safe and secure.

Mr. KOPP. Will the gentleman yield for a question?

Mr. HELM. Certainly.

Mr. KOPP. Right along the question of a sea-level or lock canal, does not the gentleman also think that the fact that it is a lock canal makes the necessity for fortifications all the greater?

Mr. HELM. By all means.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has eight minutes remaining.

Mr. SHERLEY. I yield to the gentleman three minutes more.

Mr. HELM. I can not work myself up into a nervous rigor through alarm or fear of war. It has been my invariable observation here that as soon as these appropriation bills for the Army and the Navy are behind us grim-visaged war smoothes his wrinkled front very easily. That is not only true of the advocates of large navies and large armies, but it is also true of the press.

I do not consider it a safe proposition to erect a home in any locality this side of the New Jerusalem without putting locks on the doors, and if it is my house I want to carry the keys to that house. There are some people wise enough to put locks on their stables before their horses are stolen. [Applause.] There are few people who want to do business with a banking institution that has not a safe vault and a secure place in which to store its treasure, no matter how reverently the law is respected by the community in which the institution is located. It would be absolute folly to construct a fort and store in it arms and munitions for a siege and put no defensive guns there to protect the fort. The canal is of extraordinary value and importance. It would be just as logical and just as sensible to construct this canal and not fortify it as it would be to build a residence and not secure it as best you can, or to have a banking institution without a safe vault in which to store your treasure, or to build a fort without guns.

The Panama Canal will be one of the most strategic points on the Western Hemisphere; it is either going to make us stronger or it is going to make us weaker.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. SHERLEY. I will yield the gentleman four minutes more.

Mr. SIMS. Will the gentleman yield for a question?

Mr. HELM. Certainly.

Mr. SIMS. Of course we will put the lock on the stable door, but you would not put the lock on the door before you had the stable?

Mr. HELM. No; I would not. I say we should wait until the canal makes good and then fortify it.

Mr. SIMS. Exactly; we do not know now that the canal will be a success.

Mr. SHERLEY. In that connection, if the gentleman will allow me, suppose the organized force they have on concrete could save you about 33 per cent by doing the work while the force was there, do you not think it would be economy and good business judgment to do it now instead of waiting until the force disorganized and left the Isthmus?

Mr. HELM. We had an exhibition of the canal here in this House by Col. Goethals, the officer in charge of that work. He told the membership of this House, such as were present, that this canal would be ready for the test in 1913. His reference to the possible seepage from the lake was very significant and not altogether reassuring. I do not believe that that force will be away from there at that date, and it will be ample time then to adopt measures of fortifications. I do not say—it is not my advice to this House to wait until it has been tried out and tested thoroughly and completely before you begin the fortifications, but when you have a reasonable assurance that it will be efficient and effective, then it is time to begin to take such steps.

Mr. SIMS. Col. Goethals says that we could send ships through in 1913, two years before it was completed, and that would be a test.

Mr. HELM. There is but one of two things for Congress to do—either to agree to fortify this canal or stop digging it, for as you do or do not fortify you will strengthen or weaken our position as a naval and as a military force.

Mr. MONDELL. Will the gentleman yield?

Mr. HELM. Certainly.

Mr. MONDELL. Does the gentleman think England's position as a great power is weakened by her failure to fortify the Suez Canal?

Mr. HELM. I do not think England's position is weakened, but my candid opinion is that England has, to all intents and purposes, securely fortified the Suez Canal. Every avenue of approach by sea to the Suez Canal is strongly fortified.

Mr. MONDELL. Oh, the gentleman assumes that because they have large guns—

Mr. HELM. The difference between the Panama Canal and the Suez Canal is that the latter is a stock company, several different nations or sovereignties owning the stock, while we are paying our hard money, and a prodigious sum of it, for digging this canal; we have bought this strip of land and we are paying for the work as it progresses. We are the sole owners of the entire enterprise and project.

Under the treaty with Panama, we alone have the right of sovereignty, dominion, and control of the Canal Zone.

The canal is an outlying naval and Army post, intended and believed by all to be the most vital strategic and vital war measure of our national defense. It is a thousand miles from our base. I can not believe that in its isolated position it is safer without fortifications than with them. If we fortify it it will be a means of defense; if we refuse to fortify it we are but furnishing any possible enemy the means of assailing us the more effectively.

We have guaranteed the independence of Panama; have reserved to ourselves the extraordinary right of intervention in order to maintain a stable power and government there; and we have guaranteed to all nations of the world the right to use the canal on terms of equality. How can we enforce these guaranties without the means at hand to do so?

The United States intends to and will dedicate the canal to the use of the commerce of the world on terms of equality; that is to say, there shall be no favored nation. This is all that is to be understood or implied from the treaty with Great Britain. By the neutrality agreement no one ever supposed that we intended presenting the canal to the world as a kind of Christmas gift. We alone have the right to exercise sovereignty and dominion over the Canal Zone, and have covenanted with Panama that this right shall not pass from us or be exercised by any other nation. Panama has no claim whatsoever, except an annual rental. Furthermore, the Panama treaty, in which the expressed right to fortify is granted, is of later date than the British treaty. There was, and has been, no protest lodged against the terms of the Panama treaty. The "general principle" of neutrality in the British treaty relates solely to the commercial usages of the canal. This commercial neutrality can be preserved and is not violated by a fortified canal. In fact, I fail to see any repugnance between neutralization and fortification in their application to the Panama Canal.

Without fortification our entire naval strength would have to be centered at both ends of the canal; this would leave our entire coast line exposed, so that in the event of war the canal would be a positive disadvantage to us. Will the American Congress be so foolish as to spend \$750,000,000 for a trap to be caught in? Will it spend that staggering sum of money to dig a pit to fall into?

The canal was intended, in the event of war, to give us an advantage over the enemy. If we have not the right to fortify under the treaty with Great Britain, we have not the right to defend it with our Navy, but must stand idly by and watch the procession of the enemy's fleet pass through the canal to our disadvantage provided the promise in the treaty not to injure the canal during the passage is kept. I shall never sanction such an interpretation or construction of that treaty. Fortify it or fight.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HELM. I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

[Mr. McMORRAN addressed the committee. See Appendix.]

Mr. SMITH of Iowa. Mr. Chairman, has the time been completely exhausted on the other side?

The CHAIRMAN. It has.

Mr. SMITH of Iowa. I do not desire to consume the balance of my time, and I call for the reading of the bill.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That the sums of money herein provided for be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be available until expended, namely:

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. SHEPPARD] may address the committee for 20 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHEPPARD. A year ago to-day the gentleman from Minnesota [Mr. NYE] delivered a most eloquent eulogy on the life and deeds of Washington. On this, another anniversary of Washington's birth, I rise for a similar purpose. I trust it will become a custom for some Member of the House to deliver on each succeeding anniversary a tribute to his memory.

Perhaps the most unchanging theme of psalm and song, philosophy and prayer, since lips could speak and hearts could break has been the emptiness of all earth's pageantry, the fickleness of humanity's presiding star. From page and tongue the melancholy cry ascends. How soon are men and all the memories of men engulfed beneath the flood of years, their voices stifled in the torrent of the centuries. To few indeed of all the multitudes that have lived and loved and hoped and vanished has it been given to surmount the tide. Defying time and storm they stand like giant columns in the tumultuous stream unmoved. Too often even these, the favorites of destiny, are all but lost to view amid the haze of disappearing ages. But there is one among this company of the great so enduring that not only does his character, crested in eternal light, retain its identity unobscured, its radiance undimmed, but advances before the deluge of events to point posterity to ideals of thought and conduct that will never be surpassed. That character is Washington. In strength of moral fiber, in firmness and purity of purpose, in modesty and dignity of bearing, in freedom from mere personal ambition, in courage that disaster could but emphasize, in wide-winged judgment, in beneficence of example, and in the influence of his achievements on the progress of humanity he stands unequalled and alone. He occupies the foremost rank in the illustrious group that has constructed the governments and societies of mankind. Without organized society there can be no art, no science, no education, no law, no culture, no upward stride. The founders and the preservers of States, empires, and nations are thus the primary instruments of civilization. Among these Washington is preeminent.

Let us summon the prodigies of the past, array them by his side, and observe how he outranks them all. Consider Pericles, one of the most imposing figures of antiquity. His name denotes the brightest period of Athenian development. His elegance in speech and action, his gallantry in arms and gentleness in peace, his love of the beautiful in art, the just in law, his devotion to the masses, their comforts, and their rights, the splendor of his domestic and foreign policies, made him the idol of his people, an ornament of time. His rule and inspiration gave to Athens and to eternity the Parthenon, the Odeon, the Propylea. But on his fame there falls the shadow of Aspasia. His sway was personal and autocratic; he could not efface his own ambition in the general good. His chief concern was the glory of the present and of Pericles. Wedded to glamor and display, he made himself the exclusive prop and guardian of the state, and when he died it fell a prey to demagogues and factions. Call Alexander from his sarcophagus of gold—the master of the world at 33. Statesman, student, warrior, murderer, voluptuary, it is difficult to believe that so noble an aspect, such towering gifts, could coexist with such depravity. He signalized his access to the throne with the butchery of a little girl, the representative of a collateral line, while yet within her mother's arms. Shortly before he died he crucified the physician who attended the last hours of his friend, Hephaestion, and as a sacrifice to Hephaestion's memory exterminated a whole community. Other friends he sent to death on frivolous grounds, destroying in a drunken frenzy a beloved companion for questioning his divinity. Extravagance, dissipation, luxury, followed in his crimson steps.

On the other hand, he founded universities and cities, and in the pathway of his armies Greek learning spread throughout the earth. He became one of the determining forces of human history. In ecstatic arrogance he claimed the honors of omnipotence and was saluted by a fawning world as son of Jupiter.

He reached the summits of human power, but his example is condemned by the enlightened verdict of posterity. The colossal fabric his sword had bulldozed did not long survive; he contributed little to freedom and less to virtue. Consider Hannibal, the consummate strategist, who at 26 began the boldest enterprise in military annals and who for 16 years disputed with Rome the scepter of the world. Mountains, glaciers, gorges, legions, storms, and winters could not arrest his remarkable advance from Carthage to the interior of Italy. Maintaining for 16 years in hostile territory an army of 20 different nationalities, defeating the proudest troops and generals of a race transcendent in military prowess, he was the only barrier between the Roman Republic and the ascendancy of the earth. He was pronounced by Polybius the model warrior of all time, but he fought for empire, not for principle. Recalled by the Government his valor had made immortal, he was attacked and banished. But his heroic spirit was unbroken, his bitterness against his ancient antagonists undiminished. Forming confederacies in Asia, he struggled on to find at last the only refuge from his foes in suicide. Inglorious end! He added nothing to the cause of human liberty; with him it was Carthage against Rome for world supremacy. Hatred of his enemies was the dominating passion of his existence; death by his own hand in a land of strangers was his unhappy fate.

Call mighty Julius, commander, historian, politician, who gathered into his own possession the substance of authority while yet the people worshipped the empty symbols of a dead republic. Accomplished in diplomacy and war, unprincipled in conduct, skilled in every art of winning popular devotion, he believed in neither God nor freedom. He filled the world's horizon until assassination laid his corpse upon the corpse he had made of liberty. The effect of his career was to magnify the avocation of arms, to belittle peace, to place military authority and military ideals above the civil in the estimation of his time. He could think of no term more shameful in rebuking a body of mutinous soldiers than to address them as citizens. He bulldozed a personal tyranny on the ruins of human rights; his name became an everlasting emblem of autocracy. On the foundation of his sword arose the bloody structure of the world's first universal empire. A thousand years of kings and emperors compose the heritage he left the world. Consider Charlemagne, whose marvelous capacity lifted him to the overlordship of nearly all of medieval Europe. He did much to reestablish order and culture in a time of violence. He founded schools, encouraged literature, and in a series of proclamations called capitularies announced standards of thought and action that were termed by Ampere the charter of modern knowledge. But while he advanced the learning he made no effort to restore the liberties of men. His hands were wet with blood of helpless victims, and imperial power had no stronger votary. Desolation, waste, and massacre are too prominent among the memorials of his dominion. Call William, preserver of Normandy, conqueror of England, victor of Val-es-Dunes, of Varaville, and Senlac—William, superb alike in battle and in council chamber; terrible in countenance and in strife, gigantic in stature and in brain, of whom Freeman declared: "No man that ever trod this earth was endowed with greater natural gifts; to no man was it ever granted to accomplish greater things."

The fact remains, however, that he accomplished little for the liberty and the happiness of man. The lawlessness and cruelty of his Viking antecedents found expression in the ferocity of his revenge and wrath. Throughout all England his invading fires lit up a scene of famine, pestilence, and death. Often he practiced the most revolting barbarities, on one occasion burning out the eyes of prisoners, hewing hands and feet from living bodies.

Observe Napoleon, without whose name no history of the world may be called complete; Napoleon who rewrote the map of Europe with his sword, Napoleon whose personality and power aroused a devotion among his countrymen that approached idolatry, Napoleon whose brain, said Hugo, "was the sum of human faculties, and who was seen standing erect on the horizon, a gleaming scimitar in his hand, a splendor in his eyes, unfolding amid the thunder his two wings, the Grand Army and the Old Guard." He assumed control of France when through its veins were leaping the new-born fires of revolution, the virgin energies of fraternity and freedom. Dazzling his countrymen with the resplendence of his genius, he turned these sacred currents to the elevation of himself. Thus he reestablished tyranny with the very forces that had overthrown it. Thus he exalted his own fortunes above the fortunes of his country, his own interests above the interests of humanity. Beethoven, monarch of all harmony, the friend of man, who registered in eternal melody the mutations of history, composed a triumphal symphony in honor of Napoleon when his eleva-

tion to the first consulship seemed an appropriate sequel to the Revolution. Hearing that Napoleon had yielded to the lust of power and made himself an emperor, he changed the symphony into a funeral march to symbolize the death of liberty.

The contrast presented by the life of Washington with these other lives is gratifying and refreshing not only to every American, but to the friends of liberty in every portion of the globe. [Loud applause.] Without experience in directing warlike operations on an extended scale, without adequate equipment for his troops, without a supporting government or treasury of even moderate strength, he was summoned from the farm to the red arena of the battle. Through incredible difficulties, with a patience and a courage that bordered on the superhuman, he led a small and undisciplined body of men taken suddenly from the ordinary callings of life to final victory against one of the foremost nations of the world. In triumph and in disaster he was alike immovable and serene; in official conduct and in private intercourse his every act was free from the slightest taint of intemperance, immorality, or corruption. No massacre of helpless foes, no deeds of cruelty defiled his fame. He claimed and received no reward for his services beyond the gratitude of his country. The idol of the Army and the people, he might easily have become a king, yea, established an empire that would ultimately have embraced a continent. He rejected the glittering prospect to resume the cultivation of the soil in the seclusion of Mount Vernon, his rural home. A few years later he was again summoned to his country's aid. As the presiding officer of the convention that framed the American Constitution, as the first President of the Republic it created, a Republic that in 11 decades has reached a population of approximately a hundred millions, and whose example illuminates the world, he became for all time one of the chief figures in the advancement of human happiness and freedom. [Applause.] Again he retired to his ancestral halls and fields, where he remained until his death. Thus he taught that the pursuits of peace are more sublime than those of war, the functions of private life more noble than those of public station, the attractions of the farm more permanent and uplifting than those of noisy cities.

And who will deny that the hand that wielded the sword of righteous revolution, that forced the tyrant from our shores, that signed the American Constitution and guided the mightiest Republic of all history into secure and glorious being, was ever greater than when it trained the roses in the gardens of Mount Vernon? [Loud applause.] There is a wonderful significance in the fact that Washington perished practically at the close of the eighteenth century. That century marked the permanent advent of liberty in human institutions; it witnessed the birth and rise of Washington, without whom this advent might have been delayed indefinitely. Thus an ideal century and an ideal man died almost together. As sculpture finds its most beautiful expression in the marbles of Phidias, painting its loftiest era in the frescoes of Raphael, dramatic poetry its superbest notes in the plays of Shakespeare, philosophy its profoundest embodiment in the inductions of Aristotle, music its most perfect utterance in the oratorios of Handel, the operas of Mozart, the sonatas of Beethoven, so human conduct finds its brightest mirror in the life and deeds of Washington. [Applause.]

Of such world import is his name that it looms larger through the gathering years. To-day, more than a century after his death, the interest and the love of earth's increasing millions are centered in his memory. Let me refer here to the modest ceremony of his burial, an episode that has not received the attention it deserves. His funeral was in keeping with the quiet and simple majesty that had marked his whole existence. Under the stately portico of his home on one of the loveliest eminences of the Potomac rested his coffin in a cloudless December afternoon nearly 112 years ago.

The peace of an indulgent God was on his brow; the affection of a liberated people at his feet. The profound impression of serenity and repose his motionless frame imparted gave evidence that in death he had but added another victory to the long list of his renowned achievements. No pomp, no decoration, no pride and circumstance of state emblazoned these final hours. From the countryside and from neighboring Alexandria poured his friends and fellow citizens in informal array. A few companies of artillery and cavalry with a single band of music gave the only martial touch to the proceedings. The firing of solemn minute guns from a little vessel in the Potomac; the sad procession across the wooded lawns and slopes to the family vault upon the river's edge; the dirge that quavered in the December winds and sobbed upon the waters; the chanting of the Episcopal orders of the dead; the death service of the Masonic ritual, with the weird response, "So mote it be," from

the brotherhood he loved and honored; the commanding figures of the pallbearers, all colonels of the Revolution, his comrades in war, his friends in peace; the unusual luster of the declining sun with which his soul went down that evening to rise again upon the shores of endless morning, comprise a picture that will never vanish from the lengthening galleries of immortality. [Applause on the floor and in the galleries.]

And so they laid him down to sleep in the loving arms of old Mount Vernon, where the poplar and the aspen whisper peace unto his ashes and glory to his soul; where the Potomac bears every day the message of a people's love and veneration. [Prolonged applause on the floor and in the galleries.]

The Clerk read as follows:

Proving ground, Sandy Hook, N. J.: For current expenses of the ordnance proving ground, Sandy Hook, N. J., comprising the maintenance of rail and water transportation, repairs, alterations, accessories, and service of employees incidental to testing and proving ordnance material, hire of assistants for the Ordnance Board, purchase of instruments and articles required for testing and experimental work, building and repairing butts and targets, clearing and grading ranges, \$56,200.

Mr. MONDELL. Mr. Chairman, I notice that the estimates for mountain, field, and siege cannon equipment, and so forth, for the coming fiscal year were \$860,000. The committee has reduced that to \$498,000. There has been a good deal of criticism in the press of late of our lack of preparedness in the matter of guns. I assume that the committee considered this matter very carefully, but that is a very large reduction, assuming that the estimate of the department was a reasonable estimate.

Mr. SMITH of Iowa. Mr. Chairman, it is within the jurisdiction of the Committee on Military Affairs to provide mountain, field, and siege guns for the militia. More than a year ago it was announced that the militia was fully supplied with guns. The Regular Army is also fully supplied, and a few reserve batteries are now in the possession of the Government beyond that under any former estimate necessary to supply both the Regular Army and the militia. The gentleman will observe that we have put \$200,000 in this bill for the conversion of the old type of guns into the modern field guns, which will go much further than an equal amount in the construction of new guns in equipping the Army. Suddenly the War Department changed its plans overnight from two guns to 1,000 men to three guns to 1,000 men, and announced that the militia supply was more than \$700,000 short, although it had been given in prior military bills the full estimated equipment. More than \$700,000 is appropriated in the military bill this year for this same class of guns, making with the \$400,000 that we gave them, and without considering the appropriation for the modernizing of the old guns, far more than they ever got in any year in modern times.

Mr. SHERLEY. Will the gentleman state for the information of the committee the basis of the size of the Army upon which these estimates have been made from time to time?

Mr. SMITH of Iowa. Mr. Chairman, the Army has also been increased. As we would think we were about approaching the supply necessary for the Army, and as there came to be no claim for further appropriations, they would increase the theoretical Army from 500,000 to 600,000 men, thus increasing the number of guns required, and then increased the number of guns required for 1,000 men, and by the time we had appropriated five or six years we were not as near the completion of the reserve supply as we were when we started. Now, for this reason, and because the combined amount carried in this bill and the military bill exceeded the amount given in recent years for this purpose, and because we are providing for the reconstruction of old batteries, we feel we have been generous to the department, in place of parsimonious, in cutting this estimate in two.

Mr. MONDELL. Mr. Chairman, I think the gentleman's explanation is complete and satisfactory. I do not think, however, it is a question of being generous to the department in the matter of guns. It is a question of how much war material do we need as a matter of reserve, and there has been a great amount of criticism that Congress has been penurious and parsimonious in not granting appropriations to supply a reasonable reserve. It has been said that if there was a sudden declaration of war we would not be able to rapidly expand our forces; but I assume that the various committees have considered all these matters and that possibly the amount carried is sufficient, but I want to ask the gentleman another question. I notice that the department's estimates for ammunition for mountain, field, and siege guns was \$500,000, and that the committee has granted \$150,000 for ammunition. There has also been much criticism of a lack of preparedness in the matter of reserve ammunition, and the magazines and newspapers have been full of

criticism of the action of Congress in alleged failure to properly supply these necessary munitions of war for emergencies.

I read a magazine article a short time ago, and we must assume these magazine articles are written with knowledge of the facts, in which it was stated we did not have enough ammunition for a single battle; that the seacoast fortifications could fire a few guns on the approach of an enemy, and then would be silenced for lack of ammunition. Now, it seems to me that unless the department was very extravagant in its estimates the committee has been overeconomical in cutting the estimates from \$500,000 to \$150,000, else there is no foundation for the criticisms that are abroad in the land.

Mr. SMITH of Iowa. Well, we have passed this item, but I am willing, of course, to explain to the gentleman who criticizes me for the use of the word "generous" and then immediately speaks about our being "penurious." I say to the gentleman the word "generous" was used in contradistinction to "penurious."

Mr. MONDELL. Mr. Chairman, I did not intend to criticize anyone; I am simply seeking for light, information.

Mr. SMITH of Iowa. The gentleman commented on the use of the term "generous" by myself. Now, Mr. Chairman, it appears from the evidence before the committee that they persistently estimated for ammunition upon the basis of the guns authorized and not upon the guns in their possession. They have, in fact, an available balance for the purchase of mountain, field, and siege guns—

Mr. MONDELL. Ammunition?

Mr. SMITH of Iowa. No; I know what I am talking about, if the gentleman will pardon, I am well aware of what I am talking about—more than all the appropriations for the past three years. So slow is this production of this material that all the money appropriated in three years past is in the Treasury for the production of mountain, field, and siege guns.

Mr. MONDELL. Is not that the strongest kind of an argument in favor of having a reserve supply—

Mr. SMITH of Iowa. If the gentleman will permit me, I will show whether it is or not. Now, if it appears that the production of mountain, field, and siege guns in the ordinary course requires more than three years, and if ammunition can be produced in six months, it is not necessary to purchase ammunition for the gun that will not be made for three years. That is the first difficulty with the gentleman's proposition in this regard.

Mr. MONDELL. Right there—

Mr. SMITH of Iowa. Now, if the gentleman will please allow me to finish the statement, then I will cheerfully submit to an interruption. Last year the department asked only \$150,000 for reserve ammunition for mountain, field, and siege guns, and got it, and now at the end of the year, with that much added to this reserve, it claims it needs money faster than it did a year ago, which is an unreasonable proposition unless some additional explanation is made of it. We gave them this year all they asked for last year, when they had a less reserve by \$150,000 than they have now. Those are in substance the reasons for this reduction. I will now cheerfully yield for any other question which the gentleman may wish to propound.

Mr. MONDELL. If I may make a further inquiry along the same line, I notice in the item of ammunition for seacoast cannon you have reduced the estimate from \$250,000 to \$140,000, and I hope the gentleman will not assume I am criticizing the committee in referring to these matters.

Mr. SMITH of Iowa. I do not.

Mr. MONDELL. But there has been a great deal of talk about our lack of preparedness in the matter of guns and ammunition, and I am seeking for information on the subject. Is it a fact that we are so lacking in preparedness for war that all our ammunition will practically be exhausted at the first broadside from our seacoast artillery and from the mountain, field, and siege guns?

Mr. SMITH of Iowa. It is a matter of common knowledge that no battle with seacoast fortifications will ever be prolonged. No vessel can stay in front and in range of a seacoast gun for any great length of time, for it will either knock the fortifications to pieces or the fortifications will knock it to pieces. The plan of the War Department is to have a supply of ammunition ultimately equal to one hour's maximum fire of every battery in the United States.

Mr. MONDELL. And that is considered sufficient?

Mr. SMITH of Iowa. That is considered by them to be sufficient, because it is not supposed there is any probability that we will be attacked upon both coasts at once, and, consequently, by the transportation of this ammunition we could maintain a two hours' fight, which is longer than the life of any 12-inch gun in existence, probably, in our fortifications.

Mr. MONDELL. Now, how near do we come to realize that estimate with the appropriations now available and made in this bill?

Mr. SMITH of Iowa. My recollection is that in the hearings of last year it appeared we had over 70 per cent of the amount of ammunition required for the guns mounted, but they were counting guns existing only in the imagination of man as yet. But I again call the gentleman's attention to the fact that last year they only asked \$140,000 for reserve ammunition, and got it.

Mr. MONDELL. Does the gentleman understand that they have changed their view as to the amount of reserve ammunition they should have?

Mr. SMITH of Iowa. No, sir. In their judgment, they require in the insular possessions a two hours' fire, because they contemplate that in continental United States, as only one coast is in probable danger at one time, that they have a reserve of another hour's fire on the other coast that can be transported for use, but in the insular possessions they claim they should have a two hours' fire.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I want to suggest to the gentleman that perhaps most of the explanation of these articles, aside from the lack of information, is to be found in the assumption that we are to have an army of a given size, whereas Congress has never yet agreed to these figures of a standing army of a given size. Naturally the amount of reserve ammunition that you may have will depend upon the size of the army contemplated.

Mr. MONDELL. The gentleman will admit we must contemplate a large volunteer force in time of war, and therefore the reserve ammunition and the reserve guns should be prepared, not in view of an increase in the regular establishment, but in view of the demands of war when the volunteer forces should be called upon.

Mr. SHERLEY. That assumption is not entirely warranted, because it is just as impossible to create an army of a certain size immediately as it is impossible to create the guns and ammunition for that army. We are speaking of siege guns.

Mr. MONDELL. A volunteer force can be drilled into soldiers in less time than heavy guns can be made.

Mr. SHERLEY. These articles are usually based on the assumption of an army of 500,000 to 750,000, and using that as a basis you get one set of figures of percentages, whereas if you use a less number you get another. I simply suggest that, because nearly all of these statements will be found to vary because of the basis on which they start out.

Mr. MONDELL. I think, from what the gentleman has said, they must be based largely on lack of information.

Mr. SHERLEY. That unquestionably is largely true, but the other enters into it.

Mr. KEIFER. Mr. Chairman, I only want to add a word. I think the preparation for war is sufficiently taken care of in this provision of the bill. While we may have wars come, they will not come suddenly. We have a good deal of talk and time for preparation before we have a big battle, if we are attacked. If we are going abroad to attack, we will get ready before we go and take a little time to do so.

Now, I understand that the gentleman in charge of this bill has said that there is a rule to have ammunition for one hour's fire of all guns. That does not mean there is distributed that much ammunition to all the Coast Artillery and other artillery, or the armies and posts, just to that measure. It is to have that on an average; and it is always after a war is likely to come, or has come to us, that the war will center at some particular place or places, and there we can concentrate our ammunition, as we would have to concentrate our Army and Navy forces.

But the suggestion I wanted to make is that we should act prudently in preparing ammunition for a reserve. Much of it formerly—I do not know how much now—was perishable and useless, and in time of war very dangerous to undertake to use at all. Our facilities for making ammunition, especially for Infantry and Cavalry, and for Light Artillery, are very great, and when we commence assembling an army by recruiting up to the full limit the Regular Army and raising a volunteer army we can make ammunition very fast.

I think that has not been one of the troubles in the past. The troubles have been in other directions; rather in the direction of getting soldiers, whether in the Regular Army or Volunteers, trained for war. Soldiers are not made on enlistment and muster into the United States service. The Regular soldiers, if we are to have a long war with a powerful nation, would have to be trained in campaigning and in battles, as has been proved in the past. The soldiers of Napoleon's army, the

old soldiers who had gone through many campaigns and battles, became great soldiers. The soldiers of our Civil War, after having served as much as three years, were improved greatly. It has been discussed among distinguished military experts—I do not claim to be one—that the soldiers of both armies in the Civil War who fought in the battle of Gettysburg (July, 1863) were not trained or disciplined or used to battle sufficiently to have been equal to the campaigns of 1864, the Wilderness campaign, or the Atlanta campaign, and my judgment is that we shall be more troubled about making soldiers ready for battle than we shall be troubled about ammunition.

The Clerk read as follows:

For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal seaports, and continuing torpedo experiments; for the purchase of the necessary machinery, tools, and implements for the repair shop of the torpedo depot at Fort Totten, N. Y., and for extra-duty pay to soldiers necessarily employed for periods not less than 10 days on work in connection with the issue, receipt, and care of submarine mining material at the torpedo depot, \$150,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Can the chairman of the subcommittee on fortifications inform the House as to the extent to which the inside channels along the Atlantic coast are used for submarine or torpedo-boat purposes?

Mr. SMITH of Iowa. Does the gentleman mean, have the torpedo defenses been supplied?

Mr. MOORE of Pennsylvania. No. I desire to know to what extent the inside channels are used for torpedo boats or submarines.

Mr. SMITH of Iowa. I can not inform the gentleman as to that. That is a matter wholly within the work of the Naval Committee. This provision is for torpedoes and mines for submarine defense.

Mr. MOORE of Pennsylvania. Can the gentleman tell me to what extent the inside waterways are used for transportation of the torpedoes and mines?

Mr. SMITH of Iowa. I can not answer as to that, but I do know that the Atlantic coast is amply provided with submarine defense in all parts.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to call to the attention of the House the importance and the growing necessity of the inside waterways of the Atlantic coast for purposes of defense as well as for purposes of commerce. There are natural channels along the Atlantic coast line, which is about 1,800 miles long, that have not been opened up sufficiently to be of any great service either to the Department of War or to the Department of the Navy. They are natural channels, and need only to be cut through and connected to make a continuous channel.

It occurred not long since, when the Secretary of the Navy desired to send torpedo boats from one of the navy yards in the North to one of the navy yards in the South, that he found it impracticable to send them through these inside channels, and was obliged to send them outside along the coast, until they struck a storm at Cape Hatteras and were driven back.

Both the Army and the Navy of the United States in time of war would find it necessary to fall back upon these streams, which to-day are insufficient for modern war purposes as well as for purposes of modern commerce. And yet their utility is not to be disputed. During the Civil War a canal which connects Delaware Bay with Chesapeake Bay, bisecting a portion of Delaware and Maryland a distance of 13 miles, saving an outside sailing distance of 325 miles, was used for military purposes. The railroads in that neighborhood were not available and it was necessary to bring troops to Washington through this inside channel. The shallow depth of that channel has not been increased in the course of all the years.

Mr. Chairman, we recently connected up the Atlantic Ocean with the North Carolina sounds by a cut at the Beaufort Inlet, which now admits vessels drawing 10 feet of water. These vessels, coming in from the south out of the Atlantic Ocean inside of the terrors of Hatteras, entering the North Carolina sounds at a depth of 10 feet, can not proceed to the city of Norfolk because of the inadequacy of the inside channels leading to that city. And if they were able to pass the city of Norfolk into Hampton Roads and the great Chesapeake Bay, they would be unable to pass on to the cities of Baltimore or Philadelphia by reason of the lack of depth of the Chesapeake & Delaware Canal. And if it were sought to have communication between the cities of Baltimore, Philadelphia, and New York through an existing inside passageway to-day for a vessel drawing more than 7 feet, it would be impossible. And yet I assume that if the coast was to be attacked by a foreign foe, and the fleet of the United States should be disabled, recourse

must be had to some inside waterway for the purpose of obtaining repairs and sending the ships out again to fight. I draw the attention of the House to this matter now, because it will come up from time to time until these waterways along the Atlantic coast are opened for the purposes of commerce as well as for the purposes of war.

The Clerk read as follows:

Ordnance Department: For the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, \$225,000.

Mr. COX of Indiana. I move to strike out the last word.

Mr. Chairman, I would like to ask the gentleman in charge of the bill if he can give the committee an approximation as to the amount of this appropriation that will be expended in Government yards for the manufacture of cannon and ammunition?

Mr. MANN. The total expenditures in all the paragraphs under this department are limited to \$700,000.

Mr. SMITH of Iowa. It says:

For the purchase, manufacture, and test of seacoast cannon.

As I understand it, these are all finished in Government arsenals.

Mr. COX of Indiana. That is, the manufacturing is done by the Government.

Mr. SMITH of Iowa. Some portions are purchased.

Mr. COX of Indiana. But most of this, as I understand, will be used in the manufacture of these articles in the Government arsenals.

Mr. SMITH of Iowa. In the Government arsenals.

Mr. COX of Indiana. I desire to submit a few observations at this point in regard to a very spirited controversy that waged on the floor of the House in the consideration of the naval bill about the relative cost of manufacturing ships, cannon, and powder in Government yards and in private yards.

Mr. SMITH of Iowa. If the gentleman will permit me, I want to say, whatever may be my views about the Navy, that I regard Gen. Crozier, who is in charge of the manufacturing operations at the arsenals, as one of the greatest administrative officers I ever knew.

Mr. COX of Indiana. So do I.

Mr. SMITH of Iowa. And a great manufacturer, who handles this work with wonderful administrative ability.

Mr. COX of Indiana. The gentleman and I quite agree about that, and I do not want to offer any criticism whatever, either upon Gen. Crozier or the committee. But for the last two days a great many things have been said about the expense of manufacturing these things in Government yards and the greater amount of economy that could be effected if the work was let out at private contract. A few days ago I addressed a letter to Gen. Crozier, trying to obtain information along this same line, and I received an answer signed by Col. John L. Thompson, in which he says:

In addition, in all statements of cost and in its price list issued for use of the service by this department, there have been included those administrative expenses, such as interest on the value of plant, depreciation, and pay of officers and enlisted men, which private manufacturers must take into account, and which it has been rather the fashion to assert the Government takes no notice of.

Now, I wish to call attention to a few items that the Colonel submits in his letter. For instance, ball cartridges, caliber .30, model of 1906, per thousand, cost to manufacture by the Government in 1908, \$31.96. The same when manufactured by private concerns cost the Government \$34.84 a thousand.

Revolver cartridges, per thousand, manufactured at the Frankford Arsenal, \$10.78 per thousand. The same cartridge, of the same caliber, manufactured by private concerns, cost the Government \$11.38.

Then, in 1909, the same rifle cartridges cost the Government to manufacture at the Government plant \$30.18 a thousand, and when bought from private individuals they cost \$34.87 a thousand.

Revolver ball cartridges, same size, cost the Government in 1909 \$10.78, while the same caliber cartridges bought from private concerns cost the Government \$10.95.

Gallery-practice cartridges, caliber .22 (estimated cost of manufacture at the Frankford Arsenal), including administrative expenses, \$1.54 per thousand.

Gallery-practice cartridges, caliber .22, purchased, \$1.60 per thousand.

As the gentleman in charge of the bill has well said, I believe that Gen. Crozier is an authority on these questions. He has contended for years that the Government can and is actually manufacturing powder a great deal cheaper than any private concern is manufacturing it, including in the cost of manufacture every conceivable item that can possibly enter into the

price of manufacture of every kind of powder in Army equipment. For one I would be glad to see the Government itself engage in the manufacture of Army ordnance of any kind, I care not whether it is powder, cartridges, or guns, and that it be developed to the very fullest and completest extent.

Now, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by publishing a letter that I have received and have already referred to.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The letter is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, February 9, 1911.

Hon. W. E. Cox, M. C.,

House of Representatives, Washington, D. C.

SIR: 1. Referring to your letter of the 1st instant, O. O. file 37888/1641, in which you request information as to the name and location of Government manufacturing plants, and a comparison of the cost of manufacture of cannon, etc., in Government and private plants, I have the honor to inform you that the Government plants are located as follows:

Army gun factory for manufacture of guns of all calibers for sea-coast and mobile artillery, Watervliet Arsenal, Watervliet, N. Y.

Navy gun factory, Washington, D. C.

Army powder factory, Picatinny Arsenal, Dover, N. J.

Navy powder factory, Indianhead, Md.

Army small arms and machine-gun factory, Springfield Armory, Springfield, Mass.

Army factory for manufacture of small arms, equipment, gun carriages for mobile artillery and field artillery supplies, Rock Island Arsenal, Rock Island, Ill.

Army seacoast gun carriage factory, Watertown Arsenal, Watertown, Mass.

Army factory for manufacture of small arms and mobile artillery ammunition, fire-control instruments, etc., Frankford Arsenal, Philadelphia, Pa.

The private manufacturers of small-arms powder and cannon powder for Government use are the Du Pont Co., with plants at Carneys Point, N. J.; Haskell, N. J.; and Santa Cruz, Cal.; and the International Smokeless Powder & Chemical Co., with plant at Parlin, N. J.

2. With reference to the cost of materials manufactured in Government arsenals under control of the Chief of Ordnance, while perhaps not a matter of general information, the Chief of Ordnance some five or six years ago instituted radical changes in the financial methods of this department by which an exceedingly accurate knowledge of the cost of materials purchased and manufactured at its arsenals is obtained, expenditures controlled, and the available funds under its appropriations easily ascertained at any time.

3. The principal feature of the system is the distribution or assignment of funds for specific purposes by allotment. Whenever an order is given an arsenal involving the expenditure of funds an allotment of funds under the proper appropriation is made to that arsenal on the books of the Ordnance Office, based upon the estimate submitted by the arsenal of the amount required. The arsenals are required to report monthly the status of all the allotments made them. In no case is an arsenal permitted to exceed an allotment without previous report. Upon completion of the work report of the cost is made to this office and any unobligated balance revoked from the allotment made. In case additional funds are required to complete an order the arsenal necessarily has to advise this office, giving the reasons for an additional allotment. In this manner a complete check is kept on all allotments made to Ordnance establishments. It may be stated, further, that a detailed and comprehensive system of keeping track of the labor cost of all work done and the material used is and has been in practice, and the results are accurate and reliable. (In addition, in all statements of cost and in its price list issued for use of the service by this department there have been included those administrative expenses, such as interest on the value of plant, depreciation, and pay of officers and enlisted men, which private manufacturers must take into account and which it has been rather the fashion to assert the Government takes no notice of.) A description of the cost-keeping system of this department will be found on pages 14 and 15 of the report of the Chief of Ordnance to the Secretary of War for the year 1910, copy herewith.

4. A complete price list of Ordnance and Ordnance stores is inclosed herewith for your information.

5. A comparison of the cost of the manufacture of guns, carriages, caissons, limbers, and ammunition in private factories and at Government arsenals will be found on page 14, report of the Chief of Ordnance for the year 1909, copy of which is inclosed. A comparative statement of the cost of powder manufactured by this department and private concerns will be found in the statements of Gen. Crozier at the hearing before the Committee on Military Affairs, House of Representatives, of the Army appropriation bill for the fiscal year 1911-12, commencing on page 314.

6. The cost of the manufacture of the United States rifle, caliber .30, model of 1903, including bayonet, appendages, and packing boxes, including administrative cost, which is 8.7 per cent, is as follows:

1906	\$17.40
1907	17.25
1908	17.41
1909	17.39
1910	16.85
1911	16.18

The above cost includes all factory costs—material, labor, and general expenses of all kinds.

7. The only comparison with outside manufacturers in the manufacture of arms is a purchase made in 1898 from the Winchester Repeating Arms Co. of 10,000 Winchester repeating rifles, at \$18 each. The price of the United States magazine rifle, caliber .30, model 1898 (known as the Krag-Jørgensen rifle), at that time, including administrative and all other charges, was \$16.29. The price given in this paragraph does not include bayonet for either rifle.

8. The cost of the manufacture of small-arms ammunition at the Frankford Arsenal, including all administrative expenses, and of that procured from private concerns is as follows:

Years.	Frankford Arsenal (including all administrative charges).		Private concerns.	
	Ball cartridges, caliber .30, model of 1903, per 1,000.	Revolver ball cartridges, caliber .38, per 1,000.	Ball cartridges, caliber .30, model of 1906, per 1,000 (average).	Revolver ball cartridges, caliber .38, per 1,000 (average).
1908	\$31.96	\$10.78		
1909	30.18	10.78	\$24.84	\$11.38
1910	29.00	9.70		
1911	29.11	8.95	34.87	10.95
	27.92	8.95	35.50	10.77

Gallery-practice cartridges, caliber .22, estimated cost of manufacture at Frankford Arsenal, including administrative expenses, \$1.54 per 1,000. Gallery-practice cartridges, caliber .22, purchased, \$1.60 per 1,000.

Cartridges have been purchased from the following concerns: Winchester Repeating Arms Co., New Haven, Conn.; Peters Cartridge Co., Cincinnati, Ohio; Western Cartridge Co., East Alton, Ill.; Union Metallic Cartridge Co., Bridgeport, Conn.; United States Cartridge Co., Lowell, Mass.; Robin Hood Ammunition Co., Swanton, Vt.

The price at these concerns could be reduced if a quantity as large as that manufactured at the Government arsenal was manufactured thereat.

9. If any further information is desired, it will be furnished upon request.

Respectfully,

JNO. T. THOMPSON,
Lieutenant Colonel, Ordnance Department, U. S. Army,
Acting Chief of Ordnance.

Inclosures: Price list, two reports.

Mr. FITZGERALD. Mr. Chairman, in the same connection I ask unanimous consent to insert a statement made by Gen. Crozier before the Committee on Appropriations relative to the expense of Government manufacture. I wish to put it in, so that the House may have the benefit of the information.

The CHAIRMAN. The gentleman from New York asks unanimous consent to print in the RECORD the statement referred to. Is there objection?

There was no objection.

The matter is as follows:

EXPENSE OF GOVERNMENT MANUFACTURE.

Gen. CROZIER. That is the question of the expense of Government manufacture. There are other things that I might bring to your attention, but I will not stop to do so now. There is only one place that I would like to speak of the cost of manufacture, though the manufacturing is not great in this bill, but some members of the committee know something about this place, so I think it would be appropriate, that is the Springfield Armory. I know it is a difficult matter to convince anyone that in stating the cost of Government manufacture the entire cost is included. It is usually suspected that something has been overlooked or that some overhead charge or general charge or charge paid out of another appropriation has been overlooked. At the Springfield Armory, where the great bulk of the manufacturing is a single article—namely, the infantry rifle—I have taken the pains to ascertain the value of everything that has been sent up to Springfield in the way of a resource; that is, funds from the appropriation from which the manufacture is carried on, clothing which is sent up there in kind for the soldiers, rations which are sent up there in kind for the soldiers, commissary property, in the way of scales and vinegar spigots, and things of that sort, sent up there for the use of the soldiers, so as to cover every item of expense that can in any way be charged to the Springfield Armory, whether it is in anyway connected with the manufacture of the rifle or not. Then I have added that all together so as to see what might be called an exaggerated cost of the rifle would be—that is, a superior limit of cost, which it certainly must be below—and to see how much that would differ from my reported cost.

As a result of such an effort, I find that there has been during the fiscal year ending June 30, 1910, expended at the Springfield Armory for officers' salaries \$19,010, and I charged that all into the manufacture, although it is not all properly chargeable to manufacture, for some of the time of these officers is engaged in making issues of stores which have to be issued to other people and which service would have had to be performed if we did not manufacture up there; the pay of the enlisted men, \$20,527.40; clothing allowance of enlisted men, \$2,732.06; rations of enlisted men, \$5,163.88. This is not a very long list. Extra-duty pay, enlisted men, Subsistence Department, \$107.10, that is commissary clerks; value of subsistence property received, like these scales and the things I spoke of, \$18.78; value of medical stores received, \$191.32, that is irrespective of whether used or not, all the stores received during the year; funds and property from the Quartermaster's Department, \$4,491.60, those are funds which are utilized particularly in the shop supplies which would have to be expended even if we did not manufacture anything; value of stationery which is sent from the Ordnance office here, \$400; value of ammunition used in manufacture and tests, \$10,000, that is manufactured at Frankford from another appropriation and used in the manufacture of small arms; Ordnance Department funds, that means the funds sent up there for manufacturing purposes and the funds sent up there for keeping the buildings in order, etc., \$1,318,515.60; the interest on the value of the manufacturing plant at 2 per cent, this may be a little low and I am going to revise it and make it 3 per cent next year, \$36,884.97; depreciation on machinery and buildings, 5 per cent for machinery and 1 per cent for buildings, I suppose those are both a little low and I am going to raise them hereafter, \$54,263.68; the insurance cost to cover possible loss by fire, etc., taken at 30 cents per hundred, which is about half the insurance rate of private insurance companies, \$5,532.74. That totals \$1,477,839.17. I

can not find anything else that is properly chargeable, and I think it is all included.

I have a list of all the manufactures at the armory, quite a list, most of them parts of rifles, either complete or parts, and the value of all the material at the price which I say it cost is \$1,256,501.57. The difference between these two sets of figures is \$221,337.60, which should be charged to receiving, issuing, storing, and accounting for stores, and keeping up the place. I will give you the cost of manufacture based on the idea that it is all charged to manufactures. Having those two figures, the ratio of one to the other would give the percentage by which I must increase all my reported manufacturing costs in order to know what I would call the exaggerated cost, a cost they can not possibly come up to. That would still be a reasonable cost. The total expenditures are thus 17.6 per cent above the value of the manufactured product, and therefore if I add 17.6 per cent to my reported cost of every article manufactured up there I would get this exaggerated cost which it must necessarily be below. Take the most important article, the magazine rifle. My reported cost of that is \$15, and if we add 17.6 per cent to that the cost would be \$17.64. The cost of that rifle must necessarily be less than that. I do not believe that rifle could be manufactured for the Government by contract under \$20, and I think more likely \$25. Take another article which is an important one, the bayonet. My reported cost of that is \$1.90, and the exaggerated cost would be \$2.23.

Mr. GILLET. Do you know the ordinary price of a Winchester rifle? Gen. CROZIER. It is more than our rifle, though not as expensive a rifle to make. We make a telescopic-sight bracket for automatic-machine rifles. My reported cost of that is \$1.25, and upon this basis that would run up to \$1.47. In other words, my reported prices, which are not always accepted because something has been omitted, can not possibly be increased more than 17.6 per cent by any method of charging anything that goes up there.

Mr. SMITH. What is the value of the plant?

Gen. CROZIER. \$1,850,000.

Mr. SMITH. As a matter of fact, no private producer could afford to run a plant on less than 6 per cent?

Gen. CROZIER. That is true, because the private producer can not borrow money at less than 6 per cent.

Mr. SMITH. We can not borrow it at 2 per cent.

Gen. CROZIER. We can borrow it at 3 per cent. I said I was going to increase that.

Mr. FITZGERALD. We have borrowed all we have used up there at 2 per cent.

Gen. CROZIER. Yes, sir.

Mr. FITZGERALD. In addition to being a manufacturing establishment this is also a storage place?

Gen. CROZIER. Yes, sir.

Mr. FITZGERALD. In stating this so-called exaggerated cost you have charged in all the maintenance and overhead charges that are encountered on account of its being maintained as a storage place as well as a manufacturing establishment?

Gen. CROZIER. Yes, sir; for storing and issuing.

Mr. FITZGERALD. Can you state what percentage of the cost of manufacture your overhead charges are, using as a basis the two sets of figures—what percentage of the cost of the work done?

Gen. CROZIER. The overhead cost properly chargeable with the percentage of the officers' pay and interest, which is properly chargeable to the manufacturing establishment as separate from the storage feature of the establishment, is 18.7 per cent.

Mr. FITZGERALD. How much is it, including all of the overhead and maintenance charges?

Gen. CROZIER. 17.5 per cent. I added what the factory cost is, 8.7 per cent, to get the cost which I generally report including the proper overhead charges. Now, to that cost which I generally report there should be added 17.5 per cent to get the exaggerated cost.

Mr. FITZGERALD. What does that make the overhead charge?

Gen. CROZIER. The amount by which the factory cost, without any overhead charges should be increased in order to get the entire exaggerated cost would be 27.8 per cent.

Mr. FITZGERALD. They say in the Navy Department that the lowest possible cost is 32 per cent?

Gen. CROZIER. In other words, this total exaggerated cost would be 27.8 per cent over the cost which I have to pay for out of the appropriation.

Mr. FITZGERALD. I do not see how you get those figures. If your overhead charges are 8.7 per cent and then to include all the other charges you have to add 17.6 per cent, how do you get it up to 27.8 per cent?

Gen. CROZIER. The first factory cost, which is the cost which I have to pay out of the appropriation, includes a certain amount of overhead charges, coal, and the pay of civilian superintendence, but it is the cost which, as I say, I have to pay for out of the appropriations you make for the purpose. Now, I add to that the proper percentage of the pay of officers and enlisted men, the depreciation, the charge for fire loss, etc., to get a proper cost to the Government, and that addition is 8.7 per cent.

Mr. FITZGERALD. Is not that exaggerated in that you include the interest on your investment, which has been made not only for manufacturing purposes, but the investment has been made for purposes entirely distinct?

Gen. CROZIER. In getting at the 8.7 per cent I take only the part of the investment which is applied to the manufacturing purposes and take off part of the original cost of the establishment used as a storage place, but so again when I want to get at the exaggerated cost of my manufactures, by charging the issuing and storing to the manufactures, I have added in addition to the 8.7 per cent the total which I gave of 17.6 per cent.

I have some other figures with reference to some other manufactures, but I will let them rest.

Mr. FITZGERALD. I suggest that you put in the record a statement such as will throw considerable light on the matter.

Gen. CROZIER. Yes, sir; I will.

The Clerk read as follows:

For purchase, manufacture, and test of ammunition for seacoast cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, \$400,000.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee whether or not the Government is now utilizing to the full

capacity the yards which it now owns for the manufacture of Army ordnance material?

Mr. SMITH of Iowa. I would not say that they are utilizing it to the full capacity.

Mr. COX of Indiana. Why are they not?

Mr. SMITH of Iowa. I think the chief reason is that the appropriations are not large enough.

The Clerk read as follows:

That all material purchased under the provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

Mr. PAYNE. Mr. Chairman, I want to make a point of order against that paragraph.

Mr. SMITH of Iowa. I will say to the gentleman from New York that if he understands this provision I think he will not be opposed to it. It is existing law now. The object of this section is largely to import matters for inspection and experiment. For instance, if the War Department should hear of some new rifle in the world it would import that rifle for inspection and experiment, as a method of keeping itself up with the war departments of the world. It wants from time to time to import samples, if I may so express it, of various devices, and those come in free. I think with that explanation the gentleman will not care to make a point of order. We have heretofore carried the provision. It seems idle when the Government does not want to buy material abroad for national defense, but only wants the information to keep step with the progress of the world in this regard that it should pay itself duties on samples.

Mr. PAYNE. Does this bill provide for the building of fortifications by contract?

Mr. SMITH of Iowa. Does the gentleman mean emplacements?

Mr. PAYNE. Any portion of it.

Mr. SMITH of Iowa. There are no new fortifications in the United States contemplated in this bill. The ammunition is made here, and no one would advocate buying ammunition abroad. This is simply a provision by which they may keep informed. If a new process in fire control should be devised somewhere else, and it was desired to compare its operations with our own to see if improvement has been made, they would make a small importation for the purpose of ascertaining that fact.

Mr. PAYNE. It was formerly the policy of the Government to admit everything imported directly by the Government, or imported to be used on contracts for public works by the contractors, free of duty. At the time the McKinley bill was under discussion there was considerable discussion about that free entry. It was claimed, and the committee became satisfied, that some of the importers were bringing in goods under that clause that were in fraud of the revenue.

It was also claimed that advantage was taken by some importers, who are particularly well posted as to the law, in making their bids and getting a little under, realizing they could claim the exemptions from these duties because the material was to be used in contract work, and for that reason in the McKinley bill—I am quite sure it was—we required the Government to pay the duty on everything imported for the Government or for Government work; and I never have heard the propriety of that amendment to the law even questioned in any particular. I should very much dislike to allow anything to be done that weakens that provision, and I think if it is to be abrogated as the policy of the Government it ought to be made a general policy as to all imports for all purposes and not have the duty taken away for a particular purpose. Of course it is just as easy for the Government to pay this duty for the importation of a sample as it is to purchase it without the payment of duty. It amounts to only a small sum of money in either event, and I have no doubt that there is enough appropriation in this bill to carry the payment of that duty.

Mr. FITZGERALD. Let me suggest to the gentleman that the Government has been importing material under this bill free of duty ever since the McKinley law was enacted. Is it not somewhat late to make that objection on this bill?

Mr. PAYNE. Well, I freely confess to the gentleman that I have not read all the appropriation bills that have been passed the last few years, and especially the appropriations for fortifications; my attention has been attracted rather to the work that was being done and the amount of money being appropriated for particular items, and I have not looked the bill through carefully to see whether points of order should be made or not.

Mr. SMITH of Iowa. I hope the gentleman will permit me to offer him this suggestion: The appropriations have been pro-

posed upon this theory. I am not prepared to say whether the phraseology is such as to permit the payment of duties on Government purchases. In view of the long time this has existed, I suggest that he let this go this year, and then if he wishes to make the point at another time, to give notice that he will do so another year, and the committee can make up the bill with that suggestion in mind. For the gentleman to demand a change now, when the bill has been prepared on this theory, in accordance with the practice for several years, might very seriously embarrass the department.

Mr. PAYNE. That might all be, and still, if this comes out and the wise gentlemen at the other end of the Capitol get notice of that fact, it will not take them long to solve the whole situation, even if we make a mistake here.

Mr. MANN. Would they have jurisdiction to put in that amendment?

Mr. PAYNE. I never knew an amendment to fail on an appropriation bill over there because of the fact of jurisdiction.

Mr. MANN. Oh, yes; that would be to insert in an appropriation bill an amendment affecting the raising of revenue—a tariff bill—which is clearly without their power.

Mr. CAMPBELL. Could they not hang a whole tariff bill upon that clause?

Mr. PAYNE. If it went out on a point of order, they would have the right to appropriate whatever was necessary.

Mr. MANN. To appropriate; yes.

Mr. SMITH of Iowa. Let me suggest to the gentleman from New York that I do not want to make it necessary for, much less encourage, the Senate to amend this bill.

Mr. PAYNE. How long has the gentleman been a member of this subcommittee?

Mr. SMITH of Iowa. Some eight years.

Mr. PAYNE. During all that time has this clause been there?

Mr. SMITH of Iowa. I will not say, because I am not positive it has been there all of the time; but I will say that I know it is old law.

Mr. SHERLEY. I suggest to the gentleman from Iowa that this clause has not only been there ever since I have been on the committee, but has been the occasion twice of a fight on the floor of the House. I thought everybody in the House was perfectly familiar with it. It certainly has been fought up and down enough to be known to everybody.

Mr. PAYNE. Well, the gentleman has found one conspicuous instance of ignorance on this subject. Mr. Chairman, in view of what my friend has suggested and in view of the fact that he is retiring to a position either higher or lower than that of a Member of Congress—and I am not exactly able to say which—and notwithstanding the speech of the gentleman from Kentucky, I am inclined to withdraw the point of order at this time, but to give notice I will renew it next year.

Mr. ANTHONY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "duty," in line 13, the following:

"Likewise all supplies sent by the Government of the United States for the use and supply of the Army and Navy in the Philippine Islands shall be admitted free of duties by the Philippine Government."

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order against that amendment on the ground that it is not germane, it is legislative in character and changes existing law.

Mr. ANTHONY. Mr. Chairman, if the other amendment is in order, this one is in order. It is practically the same thing. It is utterly absurd to think this Government will continue to pay \$200,000 a year to the Philippine Government for supplies of the Army and Navy sent over there. If you can exempt in this fortification bill the payment of duties by the Government here, we can certainly exempt the payment of duties by the Government in the Philippine Islands on its supplies sent by this Government over there. It simply means about \$200,000 more charged up to the support of the Army and Navy than should be, and we ought not to hang that burden on the Army and Navy.

Mr. SMITH of Iowa. It is utterly improper, in my judgment, to make a radical change like this on the fortifications bill, which has nothing to do with this subject.

Mr. ANTHONY. It is on the same principle in this bill in which we exempt the Government from paying duties.

Mr. SMITH of Iowa. The gentleman is in error. One is simply for some trifling experimental materials—

Mr. ANTHONY. It is the same principle.

Mr. SMITH of Iowa. The gentleman now proposes we should take it away from the Philippine revenue when we do not know whether the Philippine Government can stand this loss of revenue or not.

Mr. ANTHONY. If the Philippine Government can not stand it, why not put in a place where the people would know what they are doing.

Mr. SMITH of Iowa. Under the existing law we pay these items out of the Federal Treasury and they go into the Philippine treasury. Now, he proposes to make a radical change and save the \$200,000, as the gentleman asserts, and take it out of the Philippine revenues, and it is certainly not an amendment that should be on the fortifications bill.

Mr. ANTHONY. The reason I offered the amendment was because one of the members of the Ways and Means Committee objected to an amendment on the Army bill a few weeks ago, and I do not see why the same language should not go in the fortifications bill.

Mr. PAYNE. I will say to the gentleman that was the first offense in reference to that, but, Mr. Chairman, there are one or two distinctions here between this amendment to the text of the bill and the text of the bill itself. In the bill the clause simply exempts the articles purchased appropriated for in this bill. Now, it is certainly not germane to the text of the bill to introduce here an amendment which exempts articles purchased by the Government for another purpose. Aside from that, the Philippine tariff provides that all of the revenue shall go to the support of the Philippine Government and not into the Treasury of the United States, and it is not germane to amend a law with reference to the revenues of the Treasury of the United States by an amendment with reference to the revenues of the Philippine Islands. The cases are entirely dissimilar.

Mr. ANTHONY. Will the gentleman promise to bring in a measure and take this Government out of the ridiculous position of paying duties to itself in the Philippine Islands. I think the gentleman owes it to us.

Mr. PAYNE. I will discuss at any time with the gentleman the question of whether the thing is ridiculous or not, but I will not promise to bring in any revenue bill between this and the 4th day of March from the Committee on Ways and Means and I will not promise that after that, Mr. Chairman, because I think that—well, I will not say what I think.

The CHAIRMAN. The point of order is sustained.

Mr. HARDWICK. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, lines 11 and 12, strike out the words "in limited quantities."

Mr. HARDWICK. Mr. Chairman, I quite understand the policy the gentleman referred to just now of buying articles of this kind in America. I agree that it is quite well under ordinary circumstances and under usual conditions to do so. But the exception he makes in the bill that he reports is, namely—

Except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

Now, if not only in limited quantities, but in large quantities, it seems the manufacturers, either by a combination among themselves, agreement with each other, or in any other way, are charging such extortionate prices or furnishing such inferior goods that it is to the manifest interest of the United States to make purchases abroad, then the Secretary of War ought to do it, and he ought not to be required to do it in "limited quantities" only, to use the language of the bill.

Mr. BURKE of Pennsylvania. How do the words "in limited quantities" affect it in any way?

Mr. HARDWICK. It narrows the discretion of the Secretary of War, and it increases the advantage of the domestic producer and manufacturer and contractor with the Government. It increases his opportunity to charge a larger price and to furnish an inferior article, because he has no practical competition with the balance of the world.

Mr. BURKE of Pennsylvania. Do the words "in limited quantities," as the gentleman understands them, apply to the amount produced by the manufacturers, or the amount produced by the Government?

Mr. HARDWICK. It applies to the amount of purchases that the Secretary of War may make abroad, even when he believes it is to the manifest interest of the United States Government, possibly, to make more.

Mr. BURKE of Pennsylvania. I think if the Secretary of War wanted to buy all he could use, he could do it under that section.

Mr. HARDWICK. Then this amendment could do no harm, for the reason that the Secretary of War is informed by this bill, what we all agree to without party division, that it is the correct American policy to buy all things under ordinary circumstances and under usual conditions in America, and en-

courage our citizens and our own enterprises engaged in business of this kind to produce these things, so that the country will be self-sustaining in time of war. But at the same time, Mr. Chairman, it is wrong for these men to take advantage of the United States, and wherever it is for the manifest interest of the United States to make these contracts abroad, then the Government ought to be permitted to do it, even in unlimited quantities.

Now, for instance, in the hearings on this bill you will find on page 16 that Col. Burr said that the searchlights purchased here were formerly inferior and probably a larger price charged for them than should have been charged. He got authority to purchase some of them abroad, and immediately the American manufacturers improved the quality of the article that was furnished, and the best results were obtained from this provision that allowed him to purchase these searchlights abroad. Now, if it is true in one instance, it may be true and it ought to be true in a great many more instances, and all I am asking by this amendment is to strike out the words "in limited quantities," so as to broaden the discretion given to the Secretary of War and to enable him to protect the Government and to get a better article at a lower price.

Mr. BURKE of Pennsylvania rose.

Mr. HARDWICK. I yield to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. Does not the amount appropriated compel the Secretary of War to buy all of these articles in limited quantities?

Mr. HARDWICK. I do not know about that. There are about \$5,000,000 carried in this bill. It depends on what you mean by a limited quantity.

Mr. FITZGERALD. The gentleman from Georgia [Mr. HARDWICK] must remember that the gentleman from Pennsylvania comes from Pittsburg. [Laughter.]

Mr. HARDWICK. And \$5,000,000 looks small to him, but large to a man that comes from Georgia.

Mr. BURKE of Pennsylvania. The gentleman from Georgia does not look large to me.

Mr. HARDWICK. There ought not to be a dispute between us on a question of that kind.

Mr. BURKE of Pennsylvania. It seems to me the appropriation itself does limit the amount of these articles which the Secretary of War is able to buy, and therefore the words "in limited quantities" in the last paragraph do not mean anything.

Mr. SHERLEY. May I suggest this: That whatever may be our theoretical construction, the department has always considered it a prohibition upon any purchases save in limited quantities.

Mr. HARDWICK. As the gentleman said just now, it meant they could only buy a small quantity, and to strike out these words will give the Secretary a broader power, which he will not use unless the Government is being cheated or overcharged or inefficiently served.

Mr. BUTLER rose.

Mr. HARDWICK. I yield to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. I understand if these words are stricken from this paragraph the Secretary of War may, if he sees fit, buy everything abroad that is provided in this bill.

Mr. HARDWICK. Undoubtedly.

Mr. BUTLER. Does not that smack a little of free trade?

Mr. HARDWICK. I do not know what the gentleman thinks about that; but, so far as that is concerned, I think the Government of the United States ought to buy all of its material wherever it can buy it the cheapest, especially if the difference in cost is considerable.

Mr. BUTLER. Without any duty of any kind?

Mr. HARDWICK. Yes; without any duty of any kind.

Mr. BOBERTS. Does not that apply to the individual also, from the gentleman's standpoint?

Mr. HARDWICK. Yes; certainly.

Mr. MANN. Will the gentleman yield for a question?

Mr. HARDWICK. Yes.

Mr. MANN. The gentleman stated that he believed in the policy of having the Government manufacture, or in having manufactured within our own confines, all the munitions of war we require?

Mr. HARDWICK. Yes.

Mr. MANN. But under the amendment would not the Secretary of War be obliged to purchase all articles abroad that he could purchase there more cheaply than at home, because would it not be to the manifest benefit of the United States to purchase them abroad if he could purchase them more cheaply abroad, rather than at home, where they would cost a little more?

Mr. HARDWICK. Not necessarily in all cases; if the difference were small, it might not be so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. By unanimous consent, the time of the gentleman from Georgia [Mr. HARDWICK] will be extended five minutes.

Mr. MANN. Then, would the Secretary of War take into consideration, in determining whether it was to the manifest interest of the United States, the desirability of manufacturing in the United States rather than abroad?

Mr. HARDWICK. I think the Secretary should take that question into consideration to some extent.

Mr. MANN. Then it does not amount to anything, does it?

Mr. HARDWICK. Yes; it does; because while we all agree that it is correct policy to buy our munitions of war at home, other things being any way near equal, yet where an excessive price is sought to be charged by our home people, or an inferior article furnished, then we ought to buy abroad.

Mr. MANN. If I were Secretary of War and that provision was put in as the gentleman has it, I should buy the article abroad if it could be brought abroad more cheaply than at home, because Congress had directed me to do it.

Mr. FITZGERALD. Does the gentleman not believe that the Secretary would be obliged to purchase the articles in this country—unless the Secretary believed that whoever was furnishing the articles was trying to take advantage of the Government—because of the manifest advantage it would be to the Government to have the facilities for manufacture developed and retained in this country?

Mr. MANN. Yes. But that is something that can not be measured, and the executive officer who attempts to measure that lays himself open to the strongest kind of criticism.

Mr. HARDWICK. Yet if the gentleman will recall it, the provision that Congress puts into this bill vests that discretion in the Secretary.

Mr. MANN. You mean the provision as to limited quantities?

Mr. HARDWICK. Yes. The discretion would still be lodged in the Secretary.

Mr. MANN. The executive officer would have no discretion, because it is to the manifest interest of the Government to buy in the cheapest market it can buy in, so far as that side of it is concerned.

Mr. HARDWICK. That is but one consideration only.

Mr. MANN. That is the only consideration that the Government officer ought to take into consideration, and if he takes into consideration any other matter it amounts to nothing.

Mr. FITZGERALD. Will the gentleman yield to me for another question?

Mr. MANN. Yes.

Mr. FITZGERALD. The Ordnance Bureau obtains large appropriations under the Army appropriation act for the purchase of similar Army materials, and there is no such limitation in that bill as there is in this one, and still the department continues to spend the money in this country.

Mr. MANN. But in that case there is no such direction coupled with that discretion.

Mr. FITZGERALD. Without any direction, is it not the duty of executive officers to expend the money appropriated for the bureaus in that manner which will be manifestly for the best interests of the Government?

Mr. HARDWICK. And supplementing the question, what law is there that requires the Secretary to buy in this country only?

Mr. SMITH of Iowa. The tariff itself is a restraint upon buying abroad.

Mr. MANN. You propose to put a provision in here practically directing him to buy abroad if he can buy cheaper, without any tariff on the articles purchased.

Mr. FITZGERALD. Oh, no.

Mr. MANN. That is what it says. The gentleman may construe it to mean something else.

Mr. FITZGERALD. The gentleman is not quite fully informed on the subject.

Mr. MANN. I do not profess to have the knowledge on the subject that the committee has, but the gentleman will find that there has been nothing in the hearings on the subject of the amendment offered by the gentleman.

Mr. FITZGERALD. It has been discussed here in other years, time after time.

Mr. MANN. That is like the statement that this importation business had been discussed on the floor. I am satisfied it never has been.

Mr. FITZGERALD. The statement was made that the paragraph has not been discussed.

Mr. MANN. Oh, the paragraph has been discussed.

Mr. FITZGERALD. It is assumed that at least the leading men on that side of the House are familiar with the provisions of paragraphs that have been discussed.

Mr. MANN. I think the recollection of the gentleman who made the statement is far better than the recollection of the gentleman from New York.

Mr. FITZGERALD. I think not.

Mr. SHERLEY. On two occasions I made the exact motion now made by the gentleman from Georgia on this floor and discussed this matter, and the gentleman from Iowa will bear me out in that, and he will bear me out in the further statement that the hearings on several occasions—at least two occasions—have contained several pages of discussions as to the value, from the standpoint of the Army officer, of the Government being able to buy abroad.

Mr. MANN. I do not controvert that.

Mr. FITZGERALD. Just two years ago Gen. Crozier was testifying before the Committee on Fortifications, and this transpired:

Mr. SHERLEY. With regard to other purchases than powder abroad, do you make any of those at all except for the purpose of getting some special kind or piece of armament that is not manufactured in this country?

Gen. CROZIER. We generally do not make them at all. An instance in which we made the largest purchase abroad occurred about four years ago, when we bought some \$500,000 worth of field guns. It is not quite accurate to say that we bought them abroad, because they were made abroad according to our drawings and specifications, just as they would be made at home. The principal reason we did that was because at that time things were booming in this country and our people were loaded up, and we could not get any more from our people until after a long time; the delays in delivery were very great, and as the guns were new and we wanted to get some at once we placed this order abroad—in Germany—for 50 guns.

In my opinion the United States should have facilities within this country to furnish all of the munitions of war necessary for the proper defense of the country; and still there may be times, either because of combinations which may attempt to impose unreasonable charges upon the Government for materials, or because of the situation described by Gen. Crozier, when the business conditions will be such that manufacturing establishments will be so occupied with other work that materials that are imperatively needed can not be obtained.

Mr. HARDWICK. And that of itself would very much increase the price, would it not?

Mr. FITZGERALD. Undoubtedly. Under such conditions it might be advisable to purchase not only in limited, but in large quantities abroad. I am in perfect accord with the gentleman from Iowa as to the desirability of having in this country the necessary facilities, and I am quite sure that there is not much excuse for putting the prohibition upon the department against purchasing abroad in large quantities when it is desirable.

The gentleman from Iowa [Mr. SMITH] states, however, that the appropriations carried in another bill, to be expended for similar purposes, are in a different category, in that there is a restriction upon the power of the Government to make such purchases abroad, because the duty must be paid upon such articles.

I am not so sure that even a good protectionist would find it easy to defend the policy which will permit the use of the tariff for the purpose of keeping up prices to the Government itself. It is justified in so far as the people of the country are concerned, but in matters which are imperative for the defense of the country the department should be fairly free to obtain whatever munitions of war are required wherever they can be had best and the most quickly. I doubt very much the wisdom of retaining in this bill the words which the gentleman from Georgia suggests should be stricken out. I say that with some hesitation, because I have given considerable attention to the subject, and there are unquestionably two sides to it. It seems to me, however, in view of the statement made by the Chief of the Bureau of Ordnance favoring this policy, pointing out at times the necessity for the authorization to be given here, that we should not hesitate to make the change.

Mr. SMITH of Iowa. Mr. Chairman, this matter has been repeatedly discussed in this Congress, and I ask for a vote.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. HARDWICK) there were 15 ayes and 41 noes.

So the amendment was lost.

The Clerk completed the reading of the bill.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I see the bill, on page 9, provides for a per diem of \$2.50 a day for officers when away from their place of business. I would like

to ask the gentleman whether or not there has ever been any complaint before his committee that the \$2.50 a day was not sufficient?

Mr. SMITH of Iowa. This is the Sandy Hook provision the gentleman is speaking about?

Mr. COX of Indiana. It is on page 9, beginning line 12:

For the payment of the necessary expenses of the board, including a per diem allowance to each officer detailed to serve thereon, when employed on duty away from his permanent station, of \$2.50 a day.

Mr. SMITH of Iowa. There has been no complaint.

Mr. COX of Indiana. They seem to be perfectly satisfied?

Mr. SMITH of Iowa. They seem to be perfectly satisfied, and we are not stirring up anything where they are satisfied.

Mr. COX of Indiana. My purpose in making the inquiry is that the post-office bill ever since I have been here has carried \$4 a day for the per diem of inspectors when absent from their place of business. I thought for a long time it was too much, and I have arrived at the conclusion that if the Army officers are satisfied with \$2.50 a day these other people ought to be satisfied with that amount.

Mr. HAY. The Army officer gets a mileage.

Mr. SMITH of Iowa. Mr. Chairman, I move that the committee rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. STERLING, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 32865, the fortification bill, and had instructed him to report it to the House without amendment, with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SMITH of Iowa, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FOSTER of Vermont. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912. Pending that, I ask unanimous consent that general debate in the committee be limited to two hours, one half to be controlled by myself and the other half by the gentleman from Virginia [Mr. Flood].

Mr. MANN. Do we need two hours' general debate?

Mr. FOSTER of Vermont. I could cut my side down to half an hour.

Mr. FLOOD of Virginia. Mr. Speaker, I have promised one hour on this side, and I hope we can agree on that time.

Mr. MANN. Is it understood that we run through this bill to-night?

Mr. FOSTER of Vermont. To-night.

The SPEAKER. The gentleman from Vermont moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular appropriation bill, and pending that he asks unanimous consent that general debate be limited to two hours, one-half to be controlled by himself and one-half by the gentleman from Virginia. Is there objection?

There was no objection.

Accordingly the committee resolved itself into Committee of the Whole House on the state of the Union, with Mr. MOORE of Pennsylvania in the chair.

Mr. FOSTER of Vermont. Mr. Chairman, I ask unanimous consent that the first reading of the bill be omitted.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSTER of Vermont. Mr. Chairman, I yield 25 minutes to the gentleman from New York [Mr. PARSONS].

Mr. PARSONS. Mr. Chairman, the House of Representatives has little to do with negotiating treaties, but has an equal part with the other branch of Congress in terminating treaties. I desire to say something in behalf of the resolution that I have introduced, House joint resolution 284, which calls for the terminating of the treaty between this country and Russia, made in 1832, and which reads as follows:

Resolved, etc., That it is, and always has been, a fundamental principle of this Government that the rights of its citizens shall not be impaired at home or abroad because of religious belief; that this Government concludes its treaties for the equal protection of all classes of its citizens, without regard to religious belief; that this Government will not negotiate nor be a party to any treaty which discriminates, or which

by one of the parties thereto is construed to discriminate, between American citizens on the ground of religious belief; that the Government of Russia has violated the treaty between the United States of America and Russia concluded at St. Petersburg December 18, 1832, by construing that part of article 1 thereof which says that the inhabitants of the respective States "shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy to that effect the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce," to mean that American citizens of Jewish faith are subject in Russia to the same class restrictions that Russia imposes upon Russian inhabitants of Jewish faith, by declining to permit American citizens of Jewish faith to sojourn and reside in Russia in order to attend to their affairs and to enjoy to that effect the same security and protection as non-Jewish native Russians, and by refusing to honor American passports issued to American citizens of Jewish faith; that in the judgment of the Congress the said treaty, for the reasons aforesaid, ought to be terminated at the earliest possible time and be no longer in force; and that to this end the President be, and he hereby is, directed to give notice to the Government of Russia that the treaty aforesaid will terminate and be of no force and effect upon the expiration of the year which shall commence after the date of such notification.

The reason why that treaty should be terminated in my opinion is stated in the resolution, and is because Russia has not fulfilled her part of the treaty. This is our principal treaty with Russia and it was made in 1832. Article I of that treaty provides that:

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation, the inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

The general rules of interpretation with regard to treaties are well known and well settled by the Supreme Court of the United States. Mr. Justice Field in *Geofroy against Riggs* (133 U. S., p. 271) says:

It is a general principle of construction with respect to treaties that they shall be liberally construed, so as to carry out the apparent intention of the parties to secure equality and reciprocity between them. As they are contracts between independent nations, in their construction, words are to be taken in their ordinary meaning, as understood in the public law of nations, and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended. And it has been held by this court that where a treaty admits of two constructions, one restrictive of rights that may be claimed under it and the other favorable to them, the latter is to be preferred.

But despite this article, which provides for reciprocal liberty of commerce, Russia declines to admit within her borders a large portion of American citizens. She construes that article to entitle her to exclude from Russia members of the Jewish faith, even though they are American citizens, and even though they have American passports. Her construction and her practice are in plain violation of the treaty, and place us in a position where, instead of a treaty which we thought would safeguard the fundamental rights of American citizens, we have a treaty that is so construed by Russia that it violates one of the most precious of the fundamental principles of our country, namely, the principle that the rights of American citizens shall not be impaired at home or abroad because of religious belief.

We have repeatedly complained against the construction that Russia has put upon this treaty. We commenced to complain the very first time Russia interpreted it in her own way. Away back in 1867 the State Department remonstrated. At that time Mr. Cassius M. Clay, our minister to Russia, wrote to Mr. Westmann, representing Russia, a letter in regard to Mr. Rosenstrauss, in which, among other things, he said that he admitted—

Mr. Rosenstrauss was a Jew, but as all religions alike are tolerated in the United States, the United States claims equal protection for all her citizens, without regard to religious principles.

Secretary of State Evarts, in 1880, wrote to our minister to Russia, Mr. Foster:

You are sufficiently well informed of the liberal sentiments of this country to perceive that whenever any pertinent occasion may arise its attitude must always be in complete harmony with the principle of extending all rights and privileges to American citizens without distinction on account of creed.

Mr. Foster, our minister, conveyed that information to the representative of Russia, saying:

From the foundation of the United States as a nation the Jews have been entitled to the full and unrestricted privileges of citizens, and have shown themselves to be peaceable and law-obeying in their conduct, industrious in their habits, and are esteemed a valuable portion of the community, so that in so far as the regulations for the expulsion of foreign Jews from Russia affect American citizens, whatever may be

the conduct of their coreligionists of this or other countries, it is an unjust reflection upon American Jews as a class and a discrimination which can not be acquiesced in by my Government.

Secretary Evarts again stated our position in a letter to Mr. Foster in 1881:

In your presentation of the facts you should be careful to impress that we ask treaty treatment for our aggrieved citizens, not because they are Jews, but because they are Americans.

This Government does not know, or inquire, the religion of the American citizens it protects.

Mr. Blaine, as Secretary of State, wrote to our minister:

I need hardly enlarge on the point that the Government of the United States concludes its treaties with foreign States for the equal protection of all classes of American citizens. It can make absolutely no discrimination between them, whatever be their origin or creed.

And his words were conveyed to the Russian Government. In one of his letters Secretary Blaine said, in reply to a communication from our minister:

This note requests that Mr. Kutner shall answer certain interrogatories concerning his life and past history, among them one as to the religion professed by him. In conveying the inquiry of the Imperial foreign office to Mr. Kutner this department found itself unable to interrogate him as to the religion professed by him inasmuch as the Constitution of the United States prohibits the application of any religious test whatever in reference to citizens of the United States.

Similar statements were made by Secretary of State Olney and by Secretary of State Hay. We have had negotiations with Russia for years endeavoring to secure a modification of the treaty so that Russia could under no pretense construe it otherwise than that all American citizens should be treated alike.

Numerous resolutions have passed the House of Representatives on this subject. The first was passed as long ago as 1879, and in it the House said that—

The rights of the citizens of the United States should not be impaired at home or abroad because of religious belief, and that if existing treaties between the United States and Russia be found, as alleged, to discriminate in this or any other particular as to any other class of our citizens the President is requested to take immediate action to have the treaty so amended as to remedy this grievance.

We passed a resolution on this subject again in 1882, again in 1883, in 1884, in 1890, and in 1902, and the Senate in 1902 passed a resolution calling, as those others did, for information as to discriminations practiced by Russia against American Jews. In 1904 we went further in the resolution passed by this House, the original of which had been introduced by my colleague from New York [Mr. GOLDFOGLE]. We requested the President to renew negotiations so that we could have a treaty which would eliminate all chance of any such discrimination as that which Russia has practiced.

In 1909 the Congress passed a joint resolution directing the President to renew negotiations so as to have the discriminations eliminated and abolished, and yet nothing has been accomplished.

Mr. HARRISON. Will my colleague permit?

Mr. PARSONS. Certainly.

Mr. HARRISON. Is my colleague aware of the fact that the resolution of 1909, when it was first introduced by Mr. GOLDFOGLE, contained, in section 2, substantially the same provisions as those contained in the resolution of the gentleman himself now pending and of which I am very much in favor, and that that section was stricken out by the Committee on Foreign Affairs? And I have no doubt the gentleman joins me in the hope that his resolution will now be adopted and place the matter where it should have been two years ago.

Mr. PARSONS. Mr. Chairman, I am glad to have the suggestion offered by my colleague, but, as I recall the resolution of my colleague [Mr. GOLDFOGLE], it stated that if certain things should not happen, then he wished the treaty terminated. Now, my resolution does not contain any "if," but says the treaty should be terminated now.

Mr. HARRISON. The gentleman is correct, and I agree with him.

Mr. PARSONS. I am very glad to hear my colleague does, as I knew he would. We have talked, we have passed resolutions, we have had diplomatic correspondence, and nothing has been accomplished, so that if we mean what we have said—

Mr. FLOOD of Virginia. Will the gentleman yield?

Mr. PARSONS. Yes.

Mr. FLOOD of Virginia. Does the gentleman think that the President and the State Department are not carrying out the instructions of the resolution of 1909?

Mr. PARSONS. I think they have endeavored to do so, yes; I know they have, but they have been unsuccessful, and I very much fear they will not be successful.

Mr. FLOOD of Virginia. I would like to know where the gentleman gets the information that the department has been unsuccessful in the negotiations?

Mr. PARSONS. Where I get the information? I have read the correspondence in the State Department; that is where I get it.

Mr. BENNET of New York. Will my colleague permit an additional suggestion? To-day native-born American Jewish gentlemen are all denied the Russian visé on an American passport, and if the State Department had been successful that would not be the situation.

Mr. FLOOD of Virginia. The gentleman says he gets the information from the State Department that it has been unsuccessful—from the correspondence of the State Department.

Mr. PARSONS. Yes.

Mr. FLOOD of Virginia. Is that correct?

Mr. PARSONS. Yes.

Mr. FLOOD of Virginia. Does that correspondence show that fact?

Mr. PARSONS. It shows that nothing has been accomplished, and it does not indicate that there is likely to be anything accomplished.

Mr. AUSTIN. I wish to ask the gentleman from New York—

Mr. PARSONS. That is my view of the correspondence that I have read with some care.

Mr. AUSTIN. What explanation or excuse does the Russian Government give for this treatment of American citizens?

Mr. PARSONS. It claims that this last clause of Article I:

That citizens of the other party shall have the right to travel and sojourn on condition of their submitting to the laws and ordinances there prevailing—

subjects the American Jews to the restrictions imposed by Russia upon Russian Jews. I think Russia has gone so far that she takes the position that she can pass any internal law she wishes, excluding anybody.

Mr. BARTLETT of Georgia. Is it not a fact that when applying for a passport the State Department rather advises the American Jew who applies for a passport not to go to Russia?

Mr. PARSONS. It gives him a passport, but it tells him he will get no benefit from it. If he goes to the border of Russia he is turned back.

Mr. BARTLETT of Georgia. Do you think that is carrying out the act of 1909 for the department, instead of carrying out the act, to try to evade it?

Mr. PARSONS. I think the department in that case acts with every consideration to the American Jew trying to go to Russia. He can not go to Russia unless his passport is properly viséd. Unless he can get his passport viséd by the Russian consul, or some representative of Russia having authority in the matter, he can not enter Russia. And one of the questions asked him when he goes to get his passport is, "What is your religion?" And if he says it is that of a Jew, then for one reason or another, which may be given, he does not get his passport viséd.

Mr. BARTLETT of Georgia. Nor gets the protection he is entitled to as an American citizen traveling abroad?

Mr. PARSONS. That is correct. But the State Department has helped him as much as Russia will permit it to.

Mr. HAMMOND. I wish to understand this. Do I understand that the Russian Government refuses to visé a passport carried by any Jewish citizen of the United States?

Mr. PARSONS. It does. The question of expatriation is not involved. It does not depend on whether the Jew was originally a native of Russia who has been naturalized here. One of the very first cases that arose was that of a native of Wurtemberg, who had become a naturalized American citizen and then had gone to Russia. It applies to all native-born Jews.

Mr. HAMMOND. Is there any case in which a native American has been refused admission to Russia?

Mr. PARSONS. Yes; if he is a Jew. It applies to all alike.

Mr. BENNET of New York. If my colleague will permit me, I have gone myself to the Russian Embassy in Washington in behalf of a native-born American of the Jewish faith and asked to have the passport viséd, and it was refused because the Russian law prevents the entrance into Russia of persons of the Jewish faith. It is not a question of religion entirely—

Mr. AUSTIN. What is the basis of that exclusion?

Mr. BENNET of New York. It is based on religion.

Mr. BARTLETT of Georgia. I want to say to the gentleman from Minnesota [Mr. HAMMOND] that there have been cases coming under my observation where they have advised Jews who are native Jews not to go to Russia, although they were furnished with a passport.

Mr. PARSONS. Mr. Chairman, when the Federal Constitution was adopted we placed in it as a part of paragraph 3 of Article VI a provision that—

No religious test shall ever be required as a qualification to any office or public trust under the United States.

That was a broad statement of our principle of freedom of religious belief and our principle of toleration. But even that was not sufficient, and when the Constitution was submitted to the several States a number of them asked that there be incorporated in it further provisions in regard to religious freedom, and the result was the adoption of the first amendment to the Constitution, which provides that—

Congress shall make no law respecting the establishment of religion or permitting the free exercise thereof.

George Washington, the anniversary of whose birth we celebrate to-day, said:

The liberty enjoyed by the people of these States of worshipping Almighty God agreeably to their consciences is not only amongst the choicest of their blessings, but also of their rights.

Liberty of religious belief is a well-established, fundamental, and precious right of the American citizen as an American citizen.

Whether by terminating this treaty we will soon secure a new treaty which will in terms prevent Russia from so discriminating I know not, but I believe that we owe it to this fundamental principle of religious toleration, of the equality of all American citizens before the law, without regard to their religious beliefs, to terminate a treaty an article of which is used as authority for discriminating against some Americans on the ground of their religious belief.

Mr. AUSTIN. I would like to ask the gentleman from New York [Mr. PARSONS] if the Russian Government excludes any other race of people?

Mr. PARSONS. About that I do not know; but it also excludes missionaries, both Protestant and Catholic. I have here a letter signed by the secretary to the Roman Catholic bishop of Scranton, Pa., acknowledging the receipt of an address delivered upon this subject by Mr. Louis Marshall, of New York, and in this letter the bishop's secretary writes:

The right reverend bishop wishes me to say that he is in hearty accord with the movement started by your committee. It was only a year and a half ago that he himself was prohibited from entering Russia for only a two days' visit. As you no doubt know, Catholic priests in general are prohibited from entering Russia. He wishes your movement every success.

This, therefore, is not simply a Jewish question. The Jews are not the only people who are discriminated against. The clergy of all denominations are discriminated against, and that has not been a recent matter. The first case of discrimination against an American clergyman occurred some 27 years ago.

But, Mr. Chairman, I do not wish the committee to understand that I appeal for the termination of the treaty on the ground that Russia discriminates against the Jews, or Catholic or Protestant clergy. I make the appeal on the grounds that Russia, in violation of and by misconstruction of the treaty, discriminates against some American citizens, and that each American citizen, no matter what his religion, has as much right to the protection of our laws here and as much right to protection under our treaties abroad as any other American citizen, and that we should not enter into or any longer retain a treaty that does not secure to all American citizens equal treatment, without regard to their religious beliefs.

We have rid ourselves of many forms of persecution. We no longer burn witches. We no longer have slavery. But we do have, as one of the foulest blots upon our civilization, a prejudice against the Jews—virulent in some European countries more or less at all times, and particularly so at some times. Fortunately it has never expressed itself here in the form of persecution.

On the contrary, whenever such persecution has occurred in foreign countries we have protested and extended our sympathy to the unfortunate victims. We view this anti-Semitic prejudice from several vantage points. This anti-Semitic feeling is sometimes claimed to be based upon religion, but here all religions are free. Sometimes it is claimed to be based upon race, but here we have people of many races. Sometimes it is claimed that it is justified for economic reasons, but here we have a country of great possibilities. Sometimes in European countries it is based upon the principle of nationalism, on the claim that the Jews do not assimilate with the other people of the country. But here we have had the Jews since 1655, when their first colony settled in the city of New York, and no people have more right to feel themselves Americans, to feel what it means to live in a land of liberty, than have the descendants of those Portuguese Jews who, exiled from Europe and South America even, landed in New York some 250 years ago. To no people

more than to them is this the "sweet land of liberty," "land of" their "pilgrims' pride," "land where their fathers died." And it is a well-known fact that Jews on coming to America invariably become patriotic citizens. Statistics show that in every war that we have had the Jews have done more than their share in support of the war. In every fight for good citizenship they have done their share. In the way of philanthropy they have done their full share. In the city of New York they have been true to the obligation placed upon them by the Dutch West India Co. when, in spite of the opposition of Gov. Stuyvesant, it decided "upon a certain petition made by said Portuguese Jews, that they should have permission to sail to and trade in New Netherlands and to live and remain there, provided the poor among them shall not become a burden to the company or the community, but be supported by their own nation."

Grover Cleveland said at the celebration of the two hundred and fiftieth anniversary of the settlement of the Jews in the United States:

I know that human prejudice, especially that growing out of race or religion, is cruelly inveterate and lasting. But wherever in the world prejudice against the Jews still exists, there can be no place for it among the people of the United States, unless they are heedless of good faith, recreant to the underlying principles of their free government, and insensible to every pledge involved in our boasted equality of citizenship.

On our great Republic, therefore, is placed the responsibility of leading the world in proclaiming and guaranteeing the rights of man. If not here, where else is the world to learn that all men should be equal before the law? Not in the older countries, not in monarchies where privilege and caste and prejudice have existed for years and years, but in this New World, where politically all men are equal and which is still the land of golden opportunity.

In abrogating this treaty, in insisting that all American citizens are equal before the law, we will also have the privilege of placing our stamp of disapproval upon the anti-Semitic prejudice that exists in other countries and of again proving that this, the great Republic, is still ready to lead in the fight for the rights of man.

What are the objections urged against the termination of the treaty? Some ask what will happen to the rights of other citizens. They will be unaffected. They will be admitted if Russia's internal laws allow it; and, under the construction Russia has placed upon the treaty, that is the only ground on which they are now admitted. Commercially how will it affect us? Little security can there be in a treaty that Russia has misconstrued and misused as she has this. The maximum clause of the Payne tariff law, which will compel Russia's \$10,000,000 of imports into this country to pay an extra 25 per cent ad valorem duty, is a far stronger weapon than the semblance of obligation that Russia might recognize under this treaty. But neither the rights of other American citizens nor of commerce can equal or overcome the duty that we owe to ourselves to be true to our fundamental principle of religious liberty.

Every consideration that should appeal to an American demands the termination of this treaty. Russia has not performed her treaty obligations, and therefore, in self-respect, we should terminate the treaty. Russia has discriminated against some American citizens, misusing the treaty as a justification, and therefore we should terminate it. As misused by Russia, the treaty violates the fundamental American principle that the rights of all American citizens under the law are the same, whatever their religious beliefs, and therefore we should terminate it. And we owe it to our traditions as the great Republic that has ever upheld the rights of man to terminate a treaty which is misused to deny those rights to some men, and the American citizens. [Applause.]

Mr. FLOOD of Virginia rose.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. FLOOD of Virginia. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. BARTLETT].

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] is recognized for 10 minutes.

Mr. BARTLETT of Georgia. Mr. Chairman, while other Members have been discussing the bill that is now before the committee, I desire to submit a few observations on a subject that is nearer to us than the subject of our foreign relations or matters relating to them.

I am a member of the Committee on Accounts, which has primarily the charge of the disbursements from the contingent fund of this House. For 16 years I have been a member of the minority of that committee, and have endeavored to discharge my duty as a member of that committee faithfully.

The appropriation made for 1910 and 1911 for the miscellaneous items of expense for the House of Representatives was \$75,000 for each fiscal year. I want to call the attention of the House to certain facts with reference to that fund, so that when it becomes exhausted, as it has been and will continue to be, Members both of the majority and the minority will understand why it has thus become exhausted, and why it becomes necessary to ask for an additional appropriation for the contingent fund of the House, in order that this House of Representatives may not be charged with extravagance in the use of that fund; a fund intended primarily, and should be so preserved, solely for the expenditure of money for carrying on the business of the House, and not, as it has been expended, for purposes for which, in my judgment, it ought not to be. We have a statute upon this subject, to which I will call attention, passed in 1892, which provides that appropriations made for the contingent expenses of the House shall not be used for certain purposes.

That act provides:

That hereafter appropriations made for contingent expenses of the House of Representatives or the Senate shall not be used for the payment of personal services, except upon the express and specific authorization of the House or Senate in whose behalf such services are rendered. Nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of either House of Congress, and the accounting officers of the Treasury shall apply the provisions of this paragraph in the settlement of the accounts of expenditures from said appropriations incurred for services or materials subsequent to the approval of this act.

There is another paragraph relating to the expenditure of this fund, which is as follows:

No person shall be appointed or employed as a page in the service of the House of Representatives who is under 12 years or more than 18 years of age; but this provision shall not apply to chief pages, riding pages, and telephone pages.

The Clerk, Sergeant at Arms, Doorkeeper, and Postmaster shall make certificate each month to their respective pay rolls, stating whether the persons named in such pay rolls and employed in their respective departments have been actually present at their respective places of duty and have actually performed the services for which compensation is provided in said pay rolls, and in each case where a person carried on such pay roll has been absent and has not performed the services in whole or in part for which payment is proposed, the reason for such absence and for such nonperformance of services shall be stated.

The violation of any of the foregoing provisions of law shall, upon ascertainment thereof, be deemed to be cause for removal from office.

It shall be the duty of the Committee on Accounts of the House of Representatives from time to time to inquire into the enforcement or violation of any of the foregoing provisions of law; and for this purpose they are hereby authorized to send for persons and papers, and to administer oaths; and they shall report to the House at least once every session their compliance with the duty herein imposed.

Yet this House has proceeded to pass resolution after resolution—the House, and not on any recommendation from the Committee on Accounts—authorizing the expenditure of this fund for various purposes, until to-day we find that there has been expended out of it \$65,378.49 for items of expense which ought not to be chargeable to that fund. I hold in my hand here a statement of the expenditures out of that fund for purposes for which it ought not to be expended, all done under authorization of resolutions passed by the House. The committee finds itself absolutely helpless to resist the payment of these sums, because the resolutions of the House provide that these expenditures shall be paid out of the contingent fund, and the law requires the disbursing officer of this House to pay these items on approval of the chairman of the committee conducting the investigation. At the suggestion of some members of the Committee on Accounts we have refused to pay some of these items, and I suppose we will continue to refuse, and resort will be made to the House in order to have them paid.

I call attention to this statement, which is authentic:

Statement showing expenditures from the contingent fund of the House for expenses of special and select committees of the House during the Sixty-first Congress; also for expenses of the Joint Commission on the Revision of the Laws.

SHIP-SUBSIDY INVESTIGATION.

The Select Committee to Investigate Certain Charges under House Resolution No. 543, known as the ship-subsidy investigation, was created by resolution adopted by the House March 29, 1910, and on April 1, 1910, the House adopted the following resolution, viz:

"Resolved, That the select committee appointed by the Speaker on March 29, 1910, under House resolution 543, or any subcommittee thereof, be, and it hereby is, authorized to sit during the sessions of the House, to have such printing and binding done as may be necessary in the transaction of its business, to administer oaths, and to employ such clerical, messenger, and stenographic assistance as it shall deem necessary. All expenses hereunder shall be paid on the certificate of the chairman of the committee out of the contingent fund of the House."

Expenditures on account of clerical, stenographic, and messenger service, fees and mileage of witnesses, serving subpoenas, and incidentals to Feb. 1, 1911.....	\$11,500.88
Estimated expenditures to end of session.....	3,475.00

Total.....	14,975.88
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INDIAN CONTRACTS INVESTIGATION.

The House adopted the following resolution June 25, 1910:

"Resolved, That a committee consisting of five members, each of whom shall be a Member of the House of Representatives, be appointed

by the Speaker to investigate all circumstances connected with certain contracts now said to exist by and between J. F. McMurray, an attorney, of McAlester, Okla., or any other person or persons, and the Choctaw and Chickasaw Tribes of Indians of Oklahoma, or any member or members thereof, or any other of the Five Civilized Tribes, the Osage Indians, or any members thereof, this to include bribery, fraud, or any undue influence that may have been exerted on behalf of the approval or procuring of the said contracts, or any of them.

"Said committee is hereby empowered to sit and act at any place, to require the attendance of witnesses and the production of papers by subpoena to be signed by the chairman of said committee. The chairman of said committee, or any member thereof, is hereby empowered to administer oath. Said committee is further hereby empowered to take testimony under oath and in writing, to obtain documents, papers, and other information from the several departments of the Government, or any bureau thereof, to employ not to exceed two stenographers to take and make a record of all evidence received by the committee and to keep a record of its proceedings. All costs and expenses of said investigation shall be paid from the contingent fund of the House of Representatives.

"All hearings by said committee shall be open to the public. The committee shall report to this Congress all evidence taken and their findings and conclusions thereon. And in case of disobedience to a subpoena this committee may invoke the aid of any court of the United States or of any Territories or Districts thereof, within the jurisdiction of which any inquiry may be carried on by said committee in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this resolution; and any such court within the jurisdiction of which the inquiry under this resolution is being carried on may, in case of contumacy or refusal to obey a subpoena issued to any person under authority of this resolution, issue an order requiring such persons to appear before the said committee and produce books and papers, if so ordered, and give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding except in prosecution for perjury committed in giving such testimony.

And such committee may file its report with the Clerk of the House during the recess of Congress.

Expenditures on account of mileage and subsistence of the members of committee, fees, and mileage of witnesses, clerical and stenographic assistance to Feb. 1, 1911.....	\$3,951.85
Estimated expenditures to end of session.....	600.00

Total	4,551.85
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FRIAR LANDS INVESTIGATION.

The House of Representatives adopted the following resolution June 25, 1910:

"House resolution 795.

"Whereas it has been publicly charged that sales and leases of public lands have been made in the Philippines in violation of law: Now therefore be it

Resolved, That the House Committee on Insular Affairs be, and it is hereby, empowered and directed to make a complete and thorough investigation of the interior department of the Philippine Government touching the administration of Philippine lands and all matters of fact and law pertaining thereto, whether the same are to be had in the United States, the Philippine Islands, or elsewhere, and to report to the House during this Congress all the evidence taken and their findings and recommendations thereon; that in conducting said inquiry said committee shall have power to subpoena and require the attendance of witnesses, to administer oaths, to require the production of books, papers, and documents, whether of a public or private character, and to employ necessary assistance, legal or otherwise, and make necessary expenditures, the cost of said investigation to be paid out of the contingent fund of the House. The powers hereby conferred may be exercised while the House is in session or during the recess of Congress by the committee or any duly appointed subcommittee thereof."

Two vouchers have been presented to the Committee on Accounts of witnesses, covering fees for attendance and mileage, amounting to \$2,195, but that have not been approved by the committee. Estimated expenditures, \$10,000.

INVESTIGATION OF NATURALIZATION PROCEEDINGS IN NEW YORK.

The following resolution was adopted by the House June 20, 1910:

"Whereas it has been recently charged in the public press and has been otherwise publicly stated that the conditions existing in the offices of the several clerks of the courts having jurisdiction to naturalize citizens in the southern district of New York are such that a very large number of persons desirous of declaring their intention to become citizens and applicants for naturalization and witnesses in naturalization cases have been, and are, greatly delayed at such offices to an extent that they have been, and are, compelled to stand in long lines for many hours, and sometimes days, awaiting an opportunity to present and make their declarations, petitions, and proofs, and that frequently, because of such delays and the overcrowding and obstructions resulting therefrom, a large number of applicants for naturalization and their witnesses were, and are, unable to appear before and be properly attended to by the officials in such offices, and that in consequence thereof in many cases did forego and abandon making their declaration and applications: Therefore be it

Resolved, That the Committee on Immigration and Naturalization are hereby empowered and directed to make investigation into the matters hereinbefore recited and the conditions alleged to exist, and that such committee report at the earliest time practicable the result of their investigation, with their recommendation as to what remedy ought to be provided to correct the conditions complained of, if they find them to exist; and that said committee may make such investigation by or through any subcommittee it may appoint from its members; that said committee or its subcommittee have power to send for persons and papers, examine witnesses, employ stenographers and other necessary clerical help to make such investigation; and said committee or its subcommittee may sit during the session and recess of the House and make a report on or before January 1, 1911, and the expense, not to exceed the sum of \$2,500, of making said investigation, certified by the chairman of the committee, shall be paid out of the contingent fund of the House."

Expenditures to February 1, 1911, \$180. Amount limited by resolution to \$2,500.

JOINT COMMISSION ON REVISION AND CODIFICATION OF THE LAWS.

This commission was originally a joint committee, created by the following concurrent resolution:

"Resolved by the House of Representatives (the Senate concurring), That a joint special committee be appointed consisting of five Senators, to be appointed by the Vice President, and five Members of the House of Representatives, to be appointed by the Speaker, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the statutory revision commission heretofore authorized to revise and codify the laws of the United States, and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary clerical and other assistance; to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be deemed necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives."

The joint resolution creating the commission follows:

"Joint resolution (No. 19) to create a joint committee to consider the revision and codification of the laws of the United States.

"Resolved, etc., That a joint special committee be appointed, consisting of five Senators, to be appointed by the Vice President from Members of the Sixtieth Congress, and five Members of the House of Representatives, to be appointed by the Speaker from the Members of the Sixtieth Congress, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws reported by the statutory revision commission heretofore authorized to revise and codify the laws of the United States, including the laws of the last session of the Fifty-ninth Congress, and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary assistants, to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be deemed necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives."

Approved March 2, 1907.

Expenditures for legal and clerical services to February 1, 1911, \$66,701.52.

One-half, or \$33,350.76, has been paid out of the House contingent fund and one-half out of the Senate contingent fund.

The life of this commission being practically unlimited, no estimate of future expenditures can be made. They now average \$1,500 per month, or \$18,000 per annum.

I have thought it proper to bring to the attention of the House these large expenditures of money out of the contingent fund that the House may understand that this appropriation for the House and the business of the House for such expenses as may not be estimated for in the annual appropriation bills has been paid out not for the benefit of the House, but in these investigations, whether they have been of any benefit or not. I want to call the attention of the House to the careless way in which the expenditure of this fund was authorized. I have no other purpose in view than that the House may know what has become of the money and that it may understand that its Members have expended this large sum, nearly \$70,000, nearly one-half of the entire amount appropriated for the contingent fund during this Congress, for these investigations, the end of which we have not seen and the results of which we have not at hand, \$33,000 having been expended by a commission in the revision of the laws.

Mr. AUSTIN. Will the gentleman yield?

Mr. BARTLETT of Georgia. Certainly.

Mr. AUSTIN. How much money has been paid on account of the immigration commission?

Mr. BARTLETT of Georgia. I do not know; that is not provided for out of the contingent fund. It is provided for by a separate appropriation.

Mr. AUSTIN. I simply wanted to know how much money we had thrown away in that connection.

Mr. BARTLETT of Georgia. I understand about a million and a half dollars.

Mr. AUSTIN. With no results.

Mr. BARTLETT of Georgia. Well, they are not appreciable or ascertainable, so far as I am concerned.

Mr. O'CONNELL. Will the gentleman from Georgia yield?

Mr. BARTLETT of Georgia. Certainly.

Mr. O'CONNELL. The gentleman from Georgia knows that the Committee on Accounts have consistently and repeatedly refused to approve many of these bills that have come to them.

Mr. BARTLETT of Georgia. Yes; we have refused time and time again to spend money for what may be a laudable purpose, for the benefit of the employees of this House at the request of the Members of the House, and yet we find ourselves in a position where these large sums of money have been expended in the way that I have called attention to. We have refused in many instances to approve these bills and proposed to submit them to the House and let the House authorize their payment out of the contingent fund if it sees fit, or out of some other fund.

Mr. HAMMOND. Will the gentleman yield for a question?

Mr. BARTLETT of Georgia. Certainly.

Mr. HAMMOND. Where an investigation is ordered by the House of Representatives and payment is to be made out of the contingent fund of the House, what authority has the Committee on Accounts to refuse to pay any of the vouchers?

Mr. BARTLETT of Georgia. On the authority that the Committee on Accounts believe that the sums asked for are not reasonable, and we therefore decline to approve them.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. FLOOD of Virginia. I will yield the gentleman two minutes more.

Mr. BARTLETT of Georgia. The gentleman asked me a question; we are facing that matter in the committee now, and we faced it during the recess during the last session and this. We did refuse to audit those bills.

Now, here is a resolution which reads:

To be paid on the certificate of the chairman of the committee, out of the contingent fund of the House.

The disbursing officer declines to pay any of those bills unless audited by the Committee on Accounts. The Committee on Accounts may not have the power to prevent their payment, but the Committee on Accounts, acting on the suggestion of some of us who did not believe that these sums were what they should be, have declined to give them our approval, and so these gentlemen will have to look somewhere else or to the House for approval of the accounts.

Mr. O'CONNELL. The gentleman from Georgia knows that many difficulties are caused by the fact that the Committee on Appropriations takes up accounts that we refuse and inserts them in the appropriation bills after we have turned them down. Has the gentleman from Georgia any suggestion to make that will cure that procedure so that it may be prevented in the future?

Mr. BARTLETT of Georgia. It could be obviated simply by some one making a point of order on the appropriation bills; because if the Committee on Accounts does not authorize it, or the statute does not authorize it, then a point of order will lie against such an appropriation in an appropriation bill.

Mr. DAWSON. Will the gentleman yield?

Mr. BARTLETT of Georgia. Certainly.

Mr. DAWSON. Mr. Chairman, I happen to be a member of both committees, and am somewhat familiar with the practice of both committees. It does not seem to me that the Committee on Accounts is in a good position to be throwing rocks at the Committee on Appropriations.

Mr. BARTLETT of Georgia. I have not thrown any rocks at anybody.

Mr. FOSTER of Vermont. Mr. Chairman, I yield two minutes to the gentleman from Iowa [Mr. DAWSON].

Mr. DAWSON. Mr. Chairman, I want to emphasize the point that has been so well made by my colleague the gentleman from Georgia [Mr. BARTLETT] with regard to the looseness with which this House legislates in regard to these special investigating committees. Some one introduces a resolution of inquiry. The matter is headlined two or three columns wide in the newspapers, and a tremendous flurry is created over some proposition. Then that is followed by a resolution brought into the House to create a special investigating committee. All of those resolutions have been so loosely drawn that we find ourselves now in the situation where almost the entire contingent fund of the House of Representatives has been spent by these special investigating committees. The lesson that is to be drawn from that is that from this time forward the House should scrutinize more closely the phraseology of these resolutions creating special investigating committees. The House has given too wide a discretion to the chairmen of these committees in the expenditure of public money. That discretion ought to be limited, or it ought to be definitely stated that those accounts are to be audited by the Committee on Accounts before they are finally allowed. I hope that from this time forward the House will look into that phase of these resolutions creating special investigating committees.

Mr. O'CONNELL. Would it not be better to have a rule of the House that no investigating committee could be appointed until the phraseology of the resolution appointing it had been submitted to the Committee on Accounts?

Mr. DAWSON. I think that would be very desirable, that in the first instance these resolutions should go to the Committee on Accounts for consideration and scrutiny with respect to expenditures before they were brought before the House for passage.

Mr. FOSTER of Vermont. Mr. Chairman, I yield two minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, I wish to express my approval of the views of the gentleman from New York [Mr. PARSONS] in reference to the shameful treatment the Hebrew citizens of America are receiving at the hands of the despotic Government of Russia. And yet, Mr. Chairman, when we read the history of the Russian Government and the horrible treatment of its

Jewish citizens we ought not to be surprised at its conduct in reference to our Hebrew citizens. But the American Government owes it to all of its citizens, native or adopted, to protect each and every one of them in their rights not only on the soil of America but entirely around the globe, and I hope that the present administration will have the firmness and the earnestness and the patriotism to either demand the rights of our citizens while in Russia or terminate our treaty with that Government or any other Government that will discriminate against our citizens. [Applause.]

Now, another word in reference to the expenditures which have just been discussed by the gentleman from Georgia [Mr. BARTLETT]. I have never voted against a proper appropriation, as the gentleman from Illinois well said the other day. I was inclined to vote against an appropriation to continue the work of the Immigration Commission during the last session of Congress. That commission had been in existence for more than two years and had expended out of the Public Treasury hundreds of thousands of dollars. It had an expensive piece of machinery and in one of the near-by buildings an immense corps of clerks, experts; and in addition the commission was organized and traveled abroad investigating a question that every sensible American citizen knew all about even before the creation of the commission. Do we need any testimony or the expenditure of at least a million dollars to convince us the time has long since passed for allowing undesirable immigrants to land upon the shores of our country? Why, we had the promise of the chairman of that committee if we would give him an additional appropriation that commission would wind up its business, and that some practical legislation would be submitted to this Congress for it to pass that would close our doors to the riffraff and criminal class and the Black Hand and the scum of the earth that has been pouring in upon our shores for years and years; and, as a Republican Member of Congress, I feel indignant that a Republican majority, charged with the responsibilities that we are, is about to go out of power in this House without enacting a proposed law which, I think, more far-reaching and more important than any law that we could possibly consider during this session of Congress.

I would not keep out of America any man who comes here from a foreign country who has a character for industry, who is law-abiding, patriotic, and who comes to make America his home and to become Americanized, but I would close our doors to the Black hand, the worthless, the criminals, and that class of people who come here to save and absorb all they can, send it back to their native lands and follow that money or property to their foreign homes. I hope when the other side come into power here that they will appreciate and realize the importance of immediate legislation of this character. [Applause.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield 40 minutes to the gentleman from Indiana [Mr. CLINE].

FORTIFICATION OF THE PANAMA CANAL.

Mr. CLINE. Mr. Chairman, we are approaching the completion of the most gigantic engineering project of any age—the construction of the Panama Canal. The opening of this intercontinental waterway has been the dream of the western world for more than three centuries. It remained for the genius, wealth, and power of the United States to work into an actual reality this enterprise that had invited the attention of all governments of both Europe and America. I do not use the phrase in a hackneyed sense when I say that the perfection of this commercial highway marks the most important event in the development of this most progressive age. Its far-reaching consequences are so great, so complicated, so sweeping, that all statements as to the merits of this development are merely speculative. We are at the very earliest dawn of a new era in the world's trade; this aisle of the seas brings us nearer than one-third of the distance around the globe to new races, commercially speaking, new markets, and an unexplored field for the spread of our American civilization. With this change in the route of travel, for not only ourselves, but for all Europe comes new political conditions as well as new trade conditions. We would not if we could, and we can not, possibly, if we would, divorce the canal and our interests in it from its international features, which, in my opinion, irrespective of its ownership, will always be supreme and paramount to our individual rights, as a new element in facilitating the world's trade. These are the aspects that lead to this inquiry, namely, Shall the canal be fortified, so as to be a strategic point in time of war for our absolute benefit and control, or shall it be neutralized, open for the passage of ships of all nations in times of war as well as in times of peace, under international treaty limitations of neutrality, without regard to sovereignty, except for its protection?

For the purpose of a fair statement of the subject of discussion and as a basis of what I shall have to say, I incorporate here the resolution offered by the gentleman from Ohio [Mr. KEIFER] on the 17th day of May, 1910:

Concurrent resolution expressing the opinion of Congress against the necessity of fortification to defend the Panama Canal when completed and requesting the President of the United States to negotiate an international treaty to guarantee its safety, the entrances thereto, the vessels therein, and the commerce thereon, in times of peace as well as in times of war and otherwise.

This is the preamble of the resolution. I incorporate herewith the entire concurrent resolution No. 40:

Whereas the time is approaching when the Panama Canal will be completed and opened for navigation by the ships of the maritime nations of the world; and

Whereas the said canal and the entrances thereto can be protected and safeguarded more certainly and adequately through a proper international treaty among nations of the world interested in its safety and maintenance than by fortifications at the termini and along the line thereof, although constantly manned and supported by large military and naval forces; and

Whereas it is now deemed inexpedient, unwise, and unnecessary to provide such fortifications and the armament therefor and the military and naval forces requisite to secure and protect said canal, the entrances thereto, and the vessels and commerce thereon, also against blockade: Therefore be it

Resolved by the House of Representatives of the United States of America (the Senate concurring) (being of the opinion expressed in the foregoing preamble), That the President of the United States, by and through the treaty-making power vested in him by the Constitution of the United States, be respectfully but earnestly requested, as soon as practicable, to initiate, negotiate, and conclude a treaty with such nations of the world as may be willing to join the United States in guaranteeing the proper preservation, protection, and safety of said Panama Canal and the entrances thereto, including protection from danger of blockade and the protection of vessels entering or desiring to enter therein, and the commerce thereon, in times of war as in times of peace, and also including in such treaty all other stipulations and provisions deemed necessary to protect the United States in its ownership, possession, control, sanitation, right to police, and to perpetually maintain said canal and the entrances thereto for the uses and purposes for which it is being constructed, or may be adapted, and especially to guarantee at all times to the signatory powers to such treaty the full and free use of said canal upon such terms and under such rules, regulation, and government as may be prescribed by the United States.

To this resolution, now before Congress for several months, the President makes reply in his annual message sent to the House in December in the following language. I quote from page 36 of the message:

Among questions arising for present solution is whether the canal shall be fortified. I have already stated to the Congress that I strongly favor fortification, and I now reiterate this opinion and ask your consideration of the subject in the light of the report already before you made by a competent board.

If, in your discretion, we believe modern fortifications to be necessary to the adequate protection and policing of the canal, then it is our duty to construct them. We have built the canal. It is our property. By convention we have indicated our desire for, and indeed undertaken, its universal and equal use. It is also well known that one of the chief objects in the construction of the canal has been to increase the military effectiveness of our Navy. Failure to fortify the canal would make the attainment of both these aims depend upon the mere moral obligations of the whole international public—obligations which we would be powerless to enforce and which could never in any other way be absolutely safeguarded against a desperate and irresponsible enemy.

Following this recommendation to Congress, the President on January 12 sends a special message to this body in the following language:

I forward you herewith a letter from the Secretary of War, inclosing the report of the board of officers of the Army and Navy appointed by him to consider the subject of defense of the Panama Canal. A preliminary report of this board, together with a letter of the Secretary of War, a resolution of the joint board, and estimates of cost were forwarded to Congress by me by letter dated April 29, 1910. No appropriation, however, has yet been made for the initiation of work on the proposed defense. The canal when completed will afford the only convenient route for water communication between our Atlantic and Pacific coasts, and virtually will be a part of the coast line of the United States. Its assured possession and control will greatly contribute to our peace, safety, and prosperity as a Nation. In my judgment it is the right and the duty of the United States to fortify and make capable of defense the work that will bear so vital a relation to its welfare, and that is being created solely by it and at an expenditure of enormous sums. I have authorized the submission, through the Secretary of the Treasury, of the revised estimate for appropriations referred to in the accompanying letter of the Secretary of War, which estimate is less than the original estimate by approximately one-third, and I urgently recommend that an appropriation of \$5,000,000 for the initiation of work on the proposed defenses be made at the present session of Congress in order that these defenses may be completed by the date of the completion of the canal.

I have purposely incorporated the messages and resolutions in this matter so that the Members of the House and the country may have a definite understanding of the attitude of the President and those Members who are in sympathy with the views expressed by the gentleman from Ohio [Mr. KEIFER] on this engrossing question.

It is not improper to inquire, as a basis of what shall be said, into our uniform national policy prevailing for more than a century of our national life, which long-established policy appears to be wholly antagonistic to that sought to be initiated by the proponents of fortification. A policy that not only kept us at

peace with the entire world, a policy of absolute neutrality, that has been more potent than all other agencies in demonstrating the force of precept in establishing a great national policy. This policy of ours has made friends for us everywhere, stimulated our trade, and courted respect for us by all the great powers. It would be suicidal for us to consider any other than a pacific policy, for what we want is trade. We are essentially a business people, and commerce and trade only thrive in times of profound peace. The first President of the United States laid broad and deep a policy from which we shall never depart, and which has been uniformly and consistently adhered to through the entire period of our national life. Washington, in his first inaugural, said:

The duty and interest of the United States requires that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward all belligerent powers.

Mr. Jefferson, following the example of Washington, said:

Honest friendship with all nations, entangling alliances with none, was the basis of our success * * *. Cultivate the friendship of belligerent nations by every act of justice and candor.

Mr. Madison, to quote from his message:

It is our policy to cherish peace and friendly intercourse with all nations having a corresponding disposition; to maintain a strict neutrality toward all belligerent nations; to prefer in all cases an amicable discussion and reasonable accommodation of differences to a decision of them by an appeal to arms.

President Monroe, with the strong force of his personality, touching this national characteristic, said:

A virtuous people may and will confine themselves within the limit of a strict neutrality; it is of the highest importance to our national character and indispensable to the morality of our citizens that all violations of our neutrality should be prevented.

Mr. Monroe further said on January 30, 1824:

If a system of universal and permanent peace could be established or if in war the belligerent parties would respect the rights of neutral powers, we would have no occasion for an army or a navy. The expense and danger of such establishments might be avoided. The whole movement of our Government from the establishment of our independence to this hour has been guided by sacred regard for peace.

Let me quote in substantiation of this policy from President Van Buren, who said:

We have faithfully sustained the foreign policy with which the United States, under the guidance of the first President, took their stand in the family of nations—that of regulating their intercourse with other powers by the approved principles of private life; asking and according equal rights and equal privileges, rendering and demanding justice in all cases; advocating their own and discussing the pretensions of others with candor, directness, and sincerity; appealing at all times to reason, but never yielding to force nor seeking to acquire anything for ourselves by force.

President Polk in his annual message said:

Our Government is a confederation of independent States whose policy is peace with each other and with all the world. The world has nothing to fear from military ambitions in our Government * * * and it can not be otherwise than pacific.

I quote a paragraph from President Tyler's message:

Peace with all the world is the true foundation of our policies, which can only be rendered permanent by the practice of equal and impartial justice to all.

President McKinley, as late as 1899, in affirmation of the policy so long maintained by the Government, said:

We want no wars of conquest; we must avoid the temptation of territorial aggression. War should never be entered upon until every agency of peace has failed. Peace is preferable to war in almost any contingency. Arbitration is the true method of settlement of international as well as local differences.

Along these stated intervals of our national life have the most profound statesmen spoken in approving terms of our fixed course toward the nations of the world. No party shall be permitted in the future to violate the pledge of our faith we have given to the races in the confidence we have in our policy that has given us our standing in national councils. Our peace policy, steadily adhered to for more than a century and a quarter, is as fixed and absolute as the predominant principle of our national life as any principle of the common law in English jurisprudence. Let us inquire into the legal status from an international standpoint, where we have placed ourselves with relation to the canal by treaty and convention, and ascertain whether there is authority of law for our proposed action of fortification. The President of the United States has vested in him the power to make treaties by the concurrence of the Senate; he is authorized—

by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present shall concur (Const. U. S., art. 3, sec. 2).

And when they are made they have the binding force of law as other statutes have.

The Constitution and the laws of the United States and all treaties made or which shall be made shall be the supreme law of the land (Const. U. S., art. 6).

Pursuant to the powers fixed by the Constitution we began making treaties very early in our history with the several powers, both to regulate commerce and to fix our status on political questions, and have continued to do so to this day. Well-defined principles originally having their initiation in treaties and conventions, when long adhered to by the signatory powers, take to themselves the force and effect of international law and become binding after such acquiescence in them by neutral or nonsignatory powers, even though they may not directly subscribe to them by official recognition. More than 75 years ago, to be specific, March 3, 1835, the Senate of the United States passed the following resolution:

Resolved, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the governments of other nations, and particularly that of the Governments of South America and New Granada, for the purpose of protecting, by suitable treaty stipulations with them, such individuals and companies as may undertake to open a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the Isthmus which connects North and South America, and of securing forever by such stipulation the free and equal rights of navigating said canal to all nations on the payment of such reasonable tolls as may be established to compensate the capitalist whom we engage in such undertaking and complete the work.

We put at the very foundation of the thought of this great international highway that other correlative thought that it was to be for the use of the world—a gift to the commerce of the future—but that it could not be kept open and enjoyed by the nations unless it was under strict neutrality by treaty. It is antagonistic to the very conception of its importance—that of unrestricted use to the commerce of the world without distinction of "country or flag"—that this use must be subject to the wars and revolutions of different powers. Our aim has always been to act as the trustee of this waterway, to stand in a fiduciary capacity for the tradesmen of all nations in keeping for them the unlimited and unrestricted use of the canal in times of war as well as in times of peace. We have, by treaty obligations, established a neutrality of the Canal Zone. As early as April 19, 1850, the United States and Great Britain concluded what is known as the Clayton-Bulwer treaty for facilitating the building and protecting the construction of the ship canal between the Atlantic and Pacific Oceans. I only refer to the Clayton-Bulwer treaty to show what we conceded to be our rights and duties then as one of the world powers in constructing this highway of commerce for the use of the world. And from the fact that I shall have occasion to discuss the provisions of this treaty somewhat in detail before I conclude I herewith incorporate articles 1, 2, 3, and 6:

ARTICLE 1. The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal, agreeing that neither will erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to, or with any state or people for the purpose of erecting or maintaining any such fortifications, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

ART. 2. Vessels of the United States and of Great Britain traversing the said canal shall in case of war between the contracting parties be exempted from blockade, detention, or capture by either of the belligerents, and this provision shall extend to such a distance from the two ends of the canal as it may hereafter be found expedient to establish.

ART. 3. In order to secure the construction of the said canal the contracting parties engage that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local government or governments through whose territory the same may pass, then the persons employed in making the said canal and their property used or to be used for that object shall be protected from the commencement of the canal to its completion by the Governments of the United States and Great Britain from unjust detention, confiscation, seizure, or any violence whatsoever.

ART. 6. The contracting parties in this convention engage to invite every State with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any difference arise as to right or property over the territory through which the said canal shall pass between the States or Governments of Central America,

and such differences should in any way impede or obstruct the execution of the said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

These three general principles are recognized in this treaty: First, that neither party would either erect or maintain any fortification commanding the canal or in the vicinity thereof; that no right or advantage in regard to commerce or navigation should accrue to one of the contracting parties that did not accrue to the other; second, the canal should never be subject to the exercise of the right of blockade, and should the contracting parties be at war with each other, the vessels of neither belligerent should be subject to capture or detention in said canal, and that this provision should extend to the maritime distance of 3 miles from each end of the canal; third, the general principle of complete neutralization is recognized and established as its chief feature.

This treaty was superseded by what is known as the Hay-Pauncefote treaty of November, 1901; superseded for the purpose of giving the United States the right to own the territory over which the canal was to be constructed, and to construct the canal and regulate its use, the right to police the canal, and the further right to protect it from lawlessness and disorder, and establish a system of tolls, but not to limit the neutrality established in the Clayton-Bulwer treaty or to abandon the right of nonblockade, or to confer upon the United States, as I think we shall see, the right of the United States to fortify the canal for strategic purposes. I quote from the Hay-Pauncefote treaty, now in force, relative to the three general principles established in the Clayton-Bulwer treaty, as follows (sec. 2, art. 3, Right of Blockade):

The canal shall never be blockaded nor shall any right of war be exercised or any act of hostility be committed within it.

I quote from the introduction of article 3, "General principle of neutralization:"

The United States adapts as the basis of neutralization of such ship canal the following rule substantially as embodied in the convention at Constantinople, signed October 28, 1888, for the free navigation of the Suez Canal.

Article 1 of the Suez maritime canal convention, to which reference is made in the Hay-Pauncefote treaty on the question of neutralization, is as follows:

The Suez Maritime Canal shall always be free and open in time of war as in time of peace to every vessel of commerce or war without distinction of flag.

Consequently the high contracting parties agree not in any way to interfere with the free use of the canal in times of war as in times of peace. The canal shall never be subject to the exercise of the right of blockade. I quote now from section 2, article 3, of the Hay-Pauncefote treaty on the right to blockade:

The canal shall never be blockaded, nor shall any right of war be exercised, nor any act of hostility be committed within it. (The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.)

The language entered in parentheses is so included to put in direct contrast with the language used in the Clayton-Bulwer treaty of 1850, which is not incorporated in the Hay-Pauncefote treaty, namely:

The Government of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal, agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, etc.

Because this language is not included in the Hay-Pauncefote treaty in the face of the expressed provision for neutrality in time of war as in time of peace, and against the specific provision that there should never be a blockade, it is contended that the United States has power under the Hay-Pauncefote treaty to fortify. It may be fairly assumed that if there is any right for fortification whatever, the right is lodged in the modification of the Clayton-Bulwer treaty in the respect above set out, and nowhere else. To give us still more light upon the question of neutralization, I shall call your attention to sections 4 and 5 of article 3 of the Hay-Pauncefote treaty of 1901, and now in force, namely:

No belligerent shall embark or disembark troops, or munitions of warlike material, in the canal except in cases of accidental injury of transit, and in such cases the transit shall resume with all possible dispatch.

Section 5, article 3:

The provisions of this article shall apply to waters adjacent to the canal to within 3 miles of either end, etc.

The contention is that the right to fortify and maintain the canal as a strategic point of either defense or offense in times of war, if based upon the police reservation without restricting the use of the language to its original intent, is inconsistent

with the theory of neutralization; that both of the provisions can not be operative in the treaty, either correlatively or individually, and if it is assumed that they do both so exist in the Hay-Pauncefote treaty, one or the other of the provisions must fail. It can not be questioned but that it is the clearly expressed purpose of the United States, viewed not only from the instrument itself, but from the policy of the Government as expressed in its conduct and treaties for many years, to maintain complete neutralization. It is a canon of interpretation in determining the legal effect of the provision in an instrument, if any ambiguity exists, that the court will consider the intention of the parties in its execution, their purpose, as discovered by the fair intent of the language used in the instrument, and this intention may be aided by the circumstances under which the parties were acting in such execution. Where there is no ambiguity there is no necessity for construction. The right to fortify, so far as the treaty is concerned, rests in the construction to be given to the second section of article 3 of the treaty. It is also a rule of law that the meaning of words may be restricted or limited, to avoid any repugnancy. The meaning of the words used in the reservation of the United States, "maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder," need not be limited or restricted to harmonize all the provisions of the instrument. Violence is only done when the meaning of this phrase is enlarged and unlimited so as to predicate a right not otherwise provided, to thereby fortify. Enlarged so as to permit the Government to erect fortifications, maintain an immense navy, enlist a large standing army for what? To "police the canal and to prohibit lawlessness."

Let us look into the history of the ratification of the Hay-Pauncefote treaty of 1901. There was a prior Hay-Pauncefote treaty made February 5, 1900, which by clause 7 stipulated as follows:

No fortifications shall be erected commanding the canal or waters adjacent.

The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against "lawlessness and disorder." This treaty was not approved by Great Britain and I quote here the provisions to show that both powers clearly distinguished between the right to fortify and the right to police the canal. The theory of fortification was not confounded with the proposition to police it. The former was prohibited and the latter allowed in the treaty of December 16, 1901. Let it be definitely understood that if any right on the part of the United States to fortify the canal exists, it is a right growing out of the failure to incorporate it in the Hay-Pauncefote treaty of 1901, and a right not directly conferred. Are we to adopt a new "exegesis" of these extraordinary engagements and assert that they permit and authorize what they do not directly provide? How does this treaty of 1901 deal with the subject of fortifications? I quote in part from the opinion of a distinguished authority:

After the treaty of 1900 failed of confirmation, it must be assumed that the matter was carefully negotiated between the parties, with the result that on the one hand the United States made no assertion or claim of a right to fortify for strategic purposes, and that on the other hand Great Britain acknowledged a right "to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder." If in this regard there had been any intention on the part of either party to this engagement to go back on this principle and policy of previous treaties, of the treaty of 1850 and draft of February 5, 1900, can there be any question but the right to fortify the canal would have been conceded and expressed in direct terms, and that right not left to a negative interpretation of the instrument that contained no mention and no reference whatever to the subject of fortifications?

Nor can it be fairly argued that the United States has a right in its discretion to determine fortifications an element and part of the military policing of the canal and to fortify it under those assumptions accordingly.

Fortifications mean solid, permanent, and expensive structures manned with a suitable artillery and continuously garrisoned by considerable bodies of troops. Things that by no fair construction could be included in the military policing of the canal against lawlessness and disorder. There is no possible ground for fortifications contained in the treaty of 1850 and proposed treaty of February, 1900, that was omitted from the last Hay-Pauncefote treaty.

But that implication, if adopted, must be fair enough to evolve the conclusion that by failing or omitting to secure permission to fortify the canal the United States, in fact, procured both the right to fortify and the right to maintain military police on the canal, a conclusion, as before stated, so extraordinary as to be inadmissible. The just and fair construction of the treaty, as already intimated here, is that the parties dropped the subject of fortification altogether and substituted the liberty on the part of the United States—

to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

Nor is that view merely speculative. It is supported by all the surrounding circumstances. When this treaty was ratified parties had in mind the case of the Suez Canal as a precedent to be followed, and, indeed, expressly, as I have heretofore shown, adopted as a basis of neutralization of the Panama Canal the rules applicable to the Suez Canal under the Constantinople convention of 1888.

Mr. COX of Indiana. Will the gentleman yield at that point? Is the Suez Canal fortified?

Mr. CLINE. No; the Suez Canal is not fortified, and never was fortified. It has been under absolute neutrality since 1888.

Those rules do not reserve or give to the owner of the Suez Canal any right to fortify it, or any right to treat it as main line or coast line, as held in absolutely and unqualified sovereignty and to be defended, or otherwise dealt with accordingly. Such owner is, in effect, constituted a trustee of that international water highway for the use and benefit of all nations, and is thus left without any inducement and without any necessity to fortify the canal. It is not too much to contend and conclude, indeed it honors the United States, to assume the position it meant to assume, substantially the same fiduciary position with respect to the Panama Canal and by noninsistence upon anything more than the right to maintain military police upon the canal, to assure and satisfy the world that it meant to hold the control of the canal as a trustee in the interest and for the benefit of all nations. [Applause.]

To show that I am intrenched in the position I assume, namely, that it was not the purpose of the United States to fortify the canal, I shall quote from the record on the adoption of the first Hay-Pauncefote treaty. This treaty was sent to the Senate by President McKinley, and contained these definite propositions:

SECTION 1. ART. 2. The canal shall be free and open in times of war, as in times of peace, to the vessels of commerce and of war of all nations on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect to the conditions or charges of traffic, or otherwise.

SEC. 2. ART. 3. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility committed within it.

SEC. 7. ART. 3. No fortifications shall be erected commanding the canal or the waters adjacent. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

First, absolute and unconditional neutralization; second, that the canal should not be subject to blockade, but open to all nations on exact equality in times of peace and in time of war; third, that no fortifications should be erected commanding the canal or the waters adjacent. What did the Senate of the United States do with President McKinley's treaty? It left in every one of these propositions. (See S. Doc. 85, 57th Cong., 1st sess.) When the treaty was before the Senate for consideration Mr. Butler offered an amendment proposing to strike out section 7, article 2. This section provided that no fortifications should be erected on the canal or on the waters adjacent, and Mr. Butler's amendment to strike out this section was defeated by a vote of 44 to 26. Mr. TILMAN offered to amend the treaty and incorporate the following language at the end of article 2:

It is agreed, however, that none of the foregoing conditions and stipulations of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of order.

This amendment was lost by a vote of 43 to 27, showing conclusively that the Senate of the United States was opposed to converting the canal into a strategic point of defense in the time of war.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. CLINE. I will.

Mr. SHERLEY. May not an explanation of some of that vote be found in the fact that men believed that the terms of the treaty as then submitted gave power to the United States to fortify?

Mr. CLINE. Why, that was the very question raised by the Butler amendment directly and was decided by a vote of 44 to 26.

Mr. SHERLEY. But the point is this: If a man believed that the treaty did give the power an expression reiterating it might be opposed as unnecessary or as imperiling the treaty by changing it and opening up the whole matter again?

Mr. CLINE. But an affirmative vote upon the proposition squarely put would have removed all ambiguity.

It shows that the United States in the ratification of that treaty, which, however, failed of ratification by the English Government, was for neutralization, for the free and equal use of the canal to all nations, and opposed to creating war fortifications. I now desire to incorporate at this point articles 3 and 4 of the second Hay-Pauncefote treaty, sent to the Senate

for ratification by President Roosevelt on December 4, 1901, and ratified by the Senate December 16, 1901:

ART. 3. The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 29th day of October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal, except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force and with only such intermission as may result from the necessities of the service. Prizes shall be in all respects subject to the same rules as vessels of war of the belligerent.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in the case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provision of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in cases of distress, and in such cases shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereon, for the purpose of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

ART. 4. 1. It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principles of neutralization or the obligation of the high contracting parties under the present treaty.

When this treaty was being considered on the 16th day of December, 1901, Senator CULBERSON, of Texas, offered the following amendment:

It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections 1, 2, 3, 4, and 5 of article 3 shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

This amendment was lost by a vote of 62 to 15—as complete and decisive a vote against constituting the canal a strategic point of defense as could be well desired. This proceeding showed the controlling purpose of the Senate to be that it was to continue in line with our history—a complete neutrality in the Canal Zone. Is there any provisions by fair construction that will write into this treaty by any sort of implication, in the face of the overwhelming defeat of this amendment, the right to fortify? Why did not the United States Senate reserve the right by amendment at this very point in the discussion to fortify, and adopt Senator CULBERSON's amendment, if that was the essential purpose of the Senate? We have a right to demand of the promoters of this scheme the unquestionable source of their authority to vote away an unlimited amount of money when they seek to do so without apparent authority of law.

It is easy enough to declare the old treaty abrogated and in lieu thereof that the present treaty confers authority, but it is more satisfactory to point out the particular section that authorizes it. On this same day Senator McLaurin, of Mississippi, proposed the following amendment, namely, to strike out of article 3 the following:

Substantially as embodied in the convention of Constantinople, signed the 28th day of October, 1888, for the free navigation of the Suez Canal.

Mr. McLaurin's amendment was determined in the negative, and the provisions for neutralization contained in the convention of 1888 were written by implication into the Hay-Pauncefote treaty of 1901. The Senate of the United States refused to recognize any abatement whatever of the complete neutralization of the canal as provided for in the Suez Canal treaty.

I call your attention to another fact standing in the forefront of this ratification by the Senate. The United States provided that—

The canal shall be free and open to the vessels of commerce and of war of all nations.

It shall never be blockaded.

No right of war shall be exercised.

No act of hostility shall be committed within it.

That vessels of war shall not revictual nor take any stores into the canal, except so far as may be strictly necessary.

No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance.

Neutralization shall apply to the waters adjacent to the canal within 3 marine miles of either end.

Vessels of war of a belligerent shall not remain in such water more than 24 hours at any one time.

A vessel of war of a belligerent shall not depart within 24 hours of the departure of a vessel of war of the other belligerent.

The plants, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed a part thereof for the purpose of this treaty, and in times of war, as in times of peace, shall enjoy complete immunity from all attacks or injury by belligerents.

No change of sovereignty shall affect the general principles of neutralization.

These are the salient features of the treaty, and, taken as a whole, are absolutely at fatal variance with the theory of a right to fortify.

The power to make a treaty is classified in the Constitution as the very highest function of government. Ratification of a treaty constitutes the most solemn and binding obligation the Government can assume. That the right guaranteed to the world in this compact with Great Britain, the privileges accorded to all nations, are incompatible with a right to fortify, embarrass, menace, and seriously affect the accrued rights of those who may turn their ships of trade this way, at the mere caprice of the Government, is too patent to discuss. If the nations of the world are not to be protected in the enjoyment, uninterrupted, of the conditions above set out, why enter into a sacred compact to observe them? Why provide for complete neutralization if it is a mere profession, a mere declaration, to be violated with impunity? Why declare against a blockade if we are to implant fortifications and invite belligerency, and thus paralyze the commerce that we hope to see passing through the canal? Why profess to the world that not even a change of sovereignty shall change the provisions of the treaty as to complete neutralization if we are to willfully disregard the compact ourselves?

I have heretofore stated that this hysteria for fortification is a new malady in the history of the construction of the canal. From the very earliest inception of the idea of building a waterway across the Isthmus to this time no thought of fortifications was ever indulged in or connected with the construction of the canal. I could call no stronger witness to make that statement secure than President McKinley, who, following along the line of his illustrious predecessors in the uniform enforcement of a national policy, and who from his very nature was opposed to war, himself the apostle of The Hague conference, seeking universal peace, sent to the United States Senate the first Hay-Pauncefote treaty.

That, as you will remember, contained the provisions of absolute neutrality, nonfortification, that the canal should never be blockaded, and should be open to vessels of all nations, without regard to "country or flag," in time of war as in time of peace. He not only had confidence in men and nations, but the deepest faith in his country's policy and in the sacredness of its pledges. Volumes might be quoted to show the uniform consistent attitude of the whole people of the Republic. I content myself with the strong words of President Cleveland:

Whatever highway may be constructed across the barrier, dividing the two greatest maritime seas of the world, must be for the world's benefit—a trust for mankind to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize of warlike ambitions. * * * What the United States wants in Central America, next to the happiness of its people, is the security and neutrality of the interoceanic route that leads through it.

In this connection I will call attention to the basis of the claim made by those who assert a right to fortify. The President of the United States, for whom I have the very highest respect, and to whose aid I would willingly come with my vote to defend the integrity and the rights of the United States, under any and all lawful and proper circumstances, discussed the subject of fortification of the canal in New York on the evening of the 21st of January. If he is correctly reported in the public press, he bases the right to fortify upon two conclusively legal grounds and upon two grounds of public policy. The legal propositions are:

First. The right to fortify is secured to us under the Hay-Pauncefote treaty of 1901.

Second. The right to fortify is also conferred in the Spooner Act of 1902, giving us authority of law to construct the canal.

The public policy propositions are:

First. The canal could be defended by fortifying it without an increased Navy; therefore it ought to be done.

Second. The expense would be trifling compared with the amount we have invested in the canal and the security it would afford.

We are told by the President that there is no comparison to be made between the Suez and the Panama Canals. The Suez Canal being under complete neutralization, an admission of grounds of comparison would be fatal to the theory of fortifica-

tion. The statement that no comparison can be made is based upon the fact that the character of the soil through which they are constructed differs; the topography of the country is not the same; the sovereignty over these twin intercontinental waterways not the same. How could these facts in any manner affect the question of practical neutrality? No person opposed to fortification ever laid a comparison on these grounds or either of them, but upon the grounds that the Suez Canal and the Panama Canal show the original design and purpose of each to be the same, their uses identical as great international projects; and hence, not only capable, but of necessity ought to be operated by the nations of the world under similar agreements. Indeed, we have so recognized their similarity of purpose and identity of use that we have never made a treaty respecting a waterway across the Isthmus, either with Panama, Nicaragua, or any other government but what we made the basis of the neutralization of the Suez Canal, either directly or indirectly, the basis of the neutralization of the canal across the Isthmus.

We are to understand that the right to fortify from a legal standpoint is not claimed as an inherent right of sovereignty, but because of the terms of the treaty of 1901 and the Spooner Act of Congress. We are informed that the Clayton-Bulwer treaty was modified for the very purpose of securing the right on the part of the United States to own the land through which the canal was to be constructed, "to construct the canal itself," and, to use the President's language, "to regain the power to fortify the canal which we had parted with in the treaty of 1850." It is sufficient to say that the United States never had a right to fortify a canal across the Isthmus prior to 1850, when the Clayton-Bulwer treaty was made; it could not therefore have parted with such right nor have regained such right by its abrogation. We did not own a foot of territory in all Central America and there was never conferred upon the United States by any Government of Central America the right to either establish a blockade in the construction of the canal or to fortify it, so that we received no additional grant under the new treaty that abrogated the Clayton-Bulwer treaty. No power ever existed in the United States to fortify a way across the Isthmus.

The thirty-fifth article of the treaty of 1846 compelled the United States—

to guarantee positively and efficaciously to New Granada by the present stipulation the perfect neutrality of the before-mentioned Isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in future time while this treaty exists.

As late as February 26, 1903, in the treaty with Panama, and a year after the Spooner Act was passed, that treaty provided that—

the canal when constructed and the entrances thereto shall be neutral in perpetuity.

And written into this treaty, section 1 of article 3 of the Hay-Pauncefote treaty, declaring that—

the canal shall be free and open to the vessels of commerce and of war of all nations, observing these rules on terms of equality so that there shall be no discrimination against any nation—and the canal shall not be blockaded, nor any right of war be exercised, or any act of hostility be committed within it.

The protocol with Nicaragua for the construction of an inter-oceanic canal, concluded December 1, 1900, by President McKinley, recited this condition, viz, That the provisions of the treaty pending in the Senate December 1, 1900—the first Hay-Pauncefote treaty—should be incorporated into the new treaty with Nicaragua when the course of the canal should be determined. That treaty contained every necessary element of complete neutralization.

The Spooner Act of 1902, giving authority to the President to build the canal, limited the powers of the President as follows:

And he shall also cause to be constructed such safe and commodious harbors at the terminal and make such provisions as may be necessary for the safety and protection of the canal and harbor.

This limitation was in the act authorizing the construction of the canal and in the very nature of the surrounding circumstances could not have been intended as creating a strategic point of defense in a national contest. (57th Cong., 1st sess., sec. 3, chap. 1302, 32 Stat. L., p. 482, June 28, 1902.) How can it be assumed by any implication that the Senate of the United States, within six months after it had refused to authorize the fortification of the canal by defeating the McLauren and Culberson amendments by an overwhelming majority in ratifying the second Hay-Pauncefote treaty, now confer that authority in the Spooner Act that provided only for the construction of the canal?

Why should the subject of fortification engage the Senate when a very reasonable doubt existed whether the canal would ever be constructed; the feasibility of the routes was yet unde-

termined; the plan of construction not fixed? The authority conferred in the Spooner Act was merely to safeguard the approaches and the body of the canal during the construction, and not at that time to erect a national strategic defense against a foreign foe. I come to the discussion of the two grounds arising out of wise public policy. The defense of the canal with simply fortifications at the entrance of it and without the aid of a navy to anticipate the attack is at variance with the history of the defense of fortifications. This theory is also not in harmony with prominent officers of our own Navy, who, speaking through the Navy in its last issue, indorsed the proposition of very vastly increasing the Navy for the purpose of defending the canal. Nor does this theory coincide with the views of former President Roosevelt, who demanded a greatly increased Navy because we were constructing the canal. Are we to leave the canal to the mercy of a belligerent foe, without naval protection if we must fortify? Fortification is an invitation to hostilities. What chance would we have for its preservation if it was confronted with a powerful fleet of Dreadnoughts, any one of which would have as great and effective firing capacity as the fort? If the canal is fortified, it must at all times be protected by a fleet of battleships that would meet the enemy in the open sea and repel the attack. It is also said that the cost of fortifications would only be \$12,000,000, a trifle more than 2 per cent on the amount invested. This does not take into consideration the vast increase in naval armament, supplies, increased enlistment and equipment of men both in the Army and Navy, and the constant necessary expenditure along the entire length of the canal. This twelve millions accounts simply for the emplacement of the fortification defenses. Let us make a comparison more easily understood. We spend more than 10.3 per cent of our appropriations for the Navy. The fortifications, with the increased Navy—for I shall show before I conclude that this fortification means a two-ocean Navy, with all the collateral expense—on the best of authority, means another one hundred millions. This would increase the percentage of the appropriations for the Navy to almost 20.2 per cent of the appropriations.

The chairman of the Committee on Appropriations estimates that we spend 72 per cent of our appropriations in "preparing for war and on account of past wars." It is now proposed to increase this amount, so that 80 per cent of our vast volume of expenditures shall go to this one source, leaving less than 20 per cent to administer the Government in all its branches and develop our internal resources.

I come to the question of our right to fortify from another standpoint. The Panama Canal is an object of concern to the diplomacy of all maritime powers. Its legal position, together with that of the Suez Canal, could not well have been defined prior to the conference of all the great powers except those of the United States and Japan in 1888 at Constantinople. This convention developed the principle that will hereafter govern both of these ways from one hemisphere to the other. In fixing these principles the powers did not wholly evolve them out of the new conditions. They applied analogous established principles governing natural narrow waterways between open seas. As a general principle of law, straits connecting free seas are open to the navigation of all States subject to the reasonable jurisdiction of a territorial power. The claim to exclusive jurisdiction of narrow straits because of territorial sovereignty has long since been abandoned. Why? Because of the supreme right of every state to travel the open seas, and that right carries with it that concomitant right of egress and ingress through the narrow channels connecting straits that no individual power of right shall deny. Does that apply to artificial straits? Not to the same extent, because of the right of the territorial power through which it runs to reimburse itself or take tolls, for the purpose of creating a dividend upon its capital invested, and a further right to protect it in its entirety as in investment. But even before the neutralization of the Suez Canal, and while it was used by the nations of Europe indiscriminately, while De Lesseps had the contract right to take its tolls to reimburse himself, and before there was any neutrality sanctioned by the signatory powers, in 1888 Great Britain intimated to the Russian ambassador that any attempt to blockade the canal would be considered by the English Government as a menace to India and an injury to her commerce.

The Russian Government disavowed any purpose to blockade the canal, declaring that it was an international enterprise in which the commerce of the whole world was interested and no belligerent attack should interfere with it. That correspondence established the principle that a work which the "constructive genius of man after many vain efforts at last accomplished in the interest of both hemispheres should not be at the mercy of the destructive genius of any belligerent power" under

the pretext of belligerency, even though that power may own it. We have invoked this very principle for our own protection. In 1858, before the marked development of international law along these lines and now generally accepted, President Buchanan in a message to Congress referring to difficulties with certain Nicaragua transportation companies who were interfering with the free use of transporting men and merchandise, said:

It is over these transits that a large proportion of the trade and travel between European and Asiatic continents is destined to pass—all commercial nations have a deep and direct interest that these communications should be made secure from interruption. While the rights of sovereignty ought to be respected, it is the right of other nations to require that this important passage shall not be interrupted by civil war and revolution. Its neutrality and protection for the common use of all nations is their only project—they insist that it must never hereafter be closed by any arbitrary desire of that Government. This is our whole policy, and it can not fail to be acceptable to other nations.

Suppose a natural arm of the sea penetrated through the Isthmus of Panama, that our sovereignty inclosed the territory on both sides, would it be seriously contended that by virtue of that sovereignty alone we could halt the commercial nations of the world in their passage through on their way to the Orient? Or, suppose we should conclude by virtue of our present sovereignty, to close the canal against all commercial competition and force our rivals in trade to detour around the continent of South America, a distance of 12,000 miles, before they could enter the markets of the Far East with us, is there authority for such an arbitrary act in our sovereignty?

If we may fortify we may blockade the canal, for the lesser right is always comprehended in the greater. It is now held by respectable authorities that canals connecting large open seas have been regarded in most respects subject to jurisdiction similar to that of straits. Can it be doubted that if the maritime powers under the treaty providing for neutrality and declaring against a blockade that if they accept the dedication of the canal by use of the same that it is not within the power of this Government to interfere with the peaceful uninterrupted use of the canal?

Passing the question from a legal standpoint, assume that we have the right to fortify—which is not granted, however—is it a wise policy to exercise this right? We have invested in the Canal Zone one-half billion of dollars, confined this immense sum in the smallest possible scope, congested it into a strip of land 10 miles wide and 40 miles long, constructed canal termini, projecting into the two great oceans of the globe the open, free, unrestricted highway of all nations of the world. Flanked on each side of the canal by a feeble State, over whose territory a belligerent nation could march thousands of men without resistance to attack and destroy it, our property in the canal is of a delicate nature. Its use and value could be destroyed by a hundred men in an hour, its locks and dams, into which we have put scores of millions, wrecked, and our route of travel from our eastern to our western coast line destroyed. It will be, when finished, the most strategic war point on either continent and the property invested subject to a greater hazard of complete destruction than it could have been at any other point on the American shores. It is the one vulnerable point that an enemy has more opportunity to reach than the most strategic point that any other Government possesses. It is the one against which the combined and allied forces would immediately pit, because its destruction, its annihilation, would be the severest blow that could be rendered. Its defense would require the immediate investment of every Dreadnought, every battleship, every armored cruiser, every destroyer deployed at each end of the canal to protect it, while the enemy could mass its naval strength at one end or the other for our destruction.

This would effectually strip our coast cities of protection and leave more than 3,000 miles of actual inhabited coast line absolutely without defense, without a navy, and our forces more than 2,000 miles from the seat of government—as far from our home as our possession of Hawaii—the entire transport service engaged in bringing troops to a distant land to defend a property that could be protected by an international treaty of absolute neutrality without the price of a dollar or the loss of a single life. Not only that, our Navy, heretofore consisting of a single fleet, must now be a two-ocean navy, each more complete and better equipped than the one we now have, for fortifications without an advance line of battleships to repel the advancing foe, to contest in the open sea the right of the enemy to advance upon our fortifications without resistance would be an unheard-of folly in national warfare and unwarranted by the experience of nations. Does the alarmist count the cost? The recent publication, *The Navy*, in a lengthy editorial on the fortification of the canal, commits itself to the proposition of a two-ocean navy and declares that to be the universally "accepted dictum." Speaking, as it assumes, for this department

of the Government, it may be interesting to note that it says there are many reasons that make it desirable and expedient to vest the entire direction of the canal and its defense in the Navy alone. This same publication approvingly says, editorially:

The Admiral of the Navy personally is credited with having suggested that the minimum strength of our battle fleet should be 50 capital ships, and it is assumed that he means battleships and battle cruisers. If we are going to the latter type to replace our present armored cruisers. This vital suggestion from a high authority and informed source is warmly applauded and thoroughly indorsed as being a reasonable expression of the naval energy we shall have to call into being or quit the game of playing at being a world power; besides, we must have flotillas of destroyers and submarines, with necessary parent ships, scouts—if that particular type justifies the perpetuation—a proper quota of colliers, ammunition-supply, repair, and hospital ships, tank oilers, which, together with the necessary mine vessels, fleet tenders, and a number of navy yard tugs, will furnish the requisites and imperatively demanded auxiliaries of an efficient and up-to-date force afloat.

To this increased material for the defense of our fortifications we must add an additional enlisted force of men to raise the strength to at least 75,000 on a peace basis, which, if hostilities were actually commenced, would of necessity be very largely augmented. This is the prospect simply as to the initial cost of fortifying the canal. This expense necessary for the increased naval armament and its upkeep, estimated by competent authority to be one hundred millions, is astounding. Must this vast amount and the necessary contingent expenses to follow be taken from the pockets of the people on the mere possibility—not the probability—of a contingent event? I am far within the lines of rational statements when I say that the complete protection of the canal, except by international treaty of neutrality, is impossible by a two-ocean naval force unless it shall have greater strength than the British Navy. This naval power must be reinforced by manned forces and kept constantly in command, for if the theory of fortificationists is correct this war may come "as a thief in the night," without warning; and if it comes we are too far away to reach the scene of action to protect effectually our rights after hostilities begin. If this canal shall be attacked, it will be destroyed, not held as a prize of warlike ambitions, because it would be the most fatal blow that could be struck by an enemy. We are more interested in its preservation than any other power could be, not because we built it and own it, but because it is the gateway of our trade, the pathway of our future commercial greatness, the route that gives us vantage ground over other powers in reaching a market to South America and the Far East. Why imperil it with the destruction of war when our commanding place in the association of sovereign nations could negotiate terms of absolute and perpetual safety?

The American people believe in the eventuality of peace, not in the eventuality of war. From the very earliest conception of the canal it has been a commercial problem and not a problem of constructing a strategic point of defense. The trend of this whole civilization of ours, wrought by a complex case of races, is not to destroy, but to build; to rival in trade all our predecessors in exchange of the productions of our soil and the genius of our mechanism.

The alarmist pushing this propaganda for fortification, that if successful will lead to entangling alliances, seeks to influence the public mind to the conclusion that the purpose has always been to fortify. The idea of fortification is a very new feature in connection with the canal work. The controlling, predominating thought has been to constitute it a highway for trade, without distinction of "flag or country;" to sustain this proposition I call two witnesses to testify:

We want no wars of conquest; we must avoid the temptation of territorial aggression. War should never be entered upon until every agency of peace has failed. Peace is preferable to war in almost every contingency. Arbitration is the true method of settling international or local affairs. (William McKinley.)

So believing, he sent the first Hay-Pauncefote treaty to the Senate in 1900 containing provisions for absolute neutralization in this:

1. The canal shall be free and open in times of war as in times of peace, and to vessels of commerce and war of all nations on terms of equality.
2. The canal shall never be blockaded.
3. No fortifications to be erected commanding the canal or the waters adjacent.

This is the expression of the attitude of this modern apostle of peace on the question of fortification. Does any man assume that President McKinley would have advocated the investment of five hundred millions in the construction of the Panama Canal, with the chief and ultimate purpose of making it a strategic point of defense in the time of war when he could have forever sealed its safety and protection by an international treaty?

I quote from the annual message of President Fillmore. December 2, 1851, referring to the transit across the Isthmus, he said:

In negotiations upon this important subject this Government has had in view one object, and only one; that object has been and is the construction or attainment of a passage from ocean to ocean, the shortest and best for travelers and merchandise and open equally to all the world. It has sought to obtain no territorial acquisition nor any advantage peculiar to itself.

In the very earliest consideration of this question, the Secretary of State to President Adams, in 1826, in arranging for representatives to a Panama congress, said:

That vast project, if it shall ever be accomplished, will be interesting, in greater or less degree, to all parts of the world; if the work should ever be executed so as to admit of the passage of vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of reasonable and just tolls.

This House, in 1839, passed a resolution expressive of the uniform purpose of constructing the canal, saying:

For the purpose of ascertaining the practicability of effecting a communication between the Atlantic and Pacific Oceans by the construction of a canal across the Isthmus and of securing forever, by suitable treaty regulations and stipulations, the free and equal rights of navigating such canal to all nations.

The treaty of 1846 between the United States and New Granada contained this important stipulation:

In order to secure to themselves the tranquil and constant enjoyment of these advantages and for the favors they have accrued, do guarantee, positively and efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned Isthmus, with a view that the free transit from the one to the other sea may not be interrupted or embarrassed at any future time.

Quoting again from Mr. Cass, Secretary of State, in correspondence, representing this Government with Lord Napier, minister of Great Britain, on this important subject used the following language:

While the rights of sovereignty of the local governments must always be respected, other rights have arisen involving interest of great magnitude to the commercial world and demanding its careful attention, and, if need be, its efficient protection. In view of these interests, after having invited capital and enterprise from other countries to aid in the opening of these great highways of nations, under pledges of free transit to all desiring it, it can not be permitted that these governments should exercise over them an arbitrary and unlimited control, and close them or embarrass them without reference to a loss of commerce or to the intercourse of the world. Equally disastrous would it be to leave them at the mercy of every nation which in the time of war might find it advantageous for hostile purposes to take possession of them and either restrain their use or suspend it altogether.

Secretary Blaine, in 1881, calling attention to the treaty of 1846, undoubtedly expressed the opinion of President Garfield when he said:

By the thirty-fifth article of that treaty, in exchange for certain concession made to the United States, we guaranteed positively and efficaciously the perfect neutrality of the Isthmus and of any inter-oceanic communication that might be constructed upon or over it for the maintenance of free transit from sea to sea.

President Hayes, in 1880, discussing the beneficial effects arising from the construction of the canal, said:

That it would be transforming the Isthmus from a barrier between the Atlantic and Pacific Oceans into a gateway and thoroughfare between them for the navies and merchant ships of the world, and should receive the approval of this Government as being compatible with the discharge of these obligations on our part and consistent with our interests as the principal commercial power of the Western Hemisphere.

What, then, do they mean by neutrality, so guaranteed by the United States? I quote the concise statement made by President Roosevelt in his message of January 4, 1904:

Under the Hay-Pauncefote treaty it was explicitly provided that the United States should control, police, and protect the canal which was to be built, keeping it open for the transit of all nations on equal terms. The United States thus assumed the position of the guarantor of the canal and of its peaceful use by all the world. The guaranty included, as a matter of course, the building of the canal.

The enterprise was recognized as responding to an international need, and it would be the veriest travesty on right and position to treat the government in possession of the Isthmus as having the right, in the language of Mr. Cass, to close the gates of intercourse on this great highway of the world and justify the act by the pretension that these avenues of trade and travel belong to them, and that they choose to shut them.

I make these references, and they could be greatly multiplied, for the purpose of showing that the course of the present régime to fortify is an absolute departure from the unselfish and patriotic purposes of the promoters of the canal from its very earliest inception. It has been the ambition of the people of this continent to make it the greatest highway of trade on the globe and not a prize of war—to dedicate it to American civilization when constructed, the greatest adjunct for its perpetuity and its all-embracing purpose. Not a single treaty negotiated by this Government with any other, not a protocol

concluded with reference to the canal, was ever made that did not provide for unconditional neutrality.

It has been openly stated by proponents of fortifications that we can not rely upon treaty stipulations of neutrality; that a strong temptation even by a signatory power to possess strategic and important points in times of hostilities in derogation of their high contracts would not be resisted. This declaration is not in accord with either the law or history. Treaties entered into in conformity with vested authority are binding upon all the signatory powers and continue in force, even though there is a change of sovereignty, as was illustrated in the treaty with New Granada. The inviolability of these treaties, even when not especially guaranteed, is the first law of nations. They are always regarded as the most solemn obligations of a civil State.

I quote Vattel, volume 2, chapter 20:

The faith of treaties, that firm and sincere resolution, that inviolable constancy in fulfilling our engagements of which we make profession in a treaty, is therefore to be held sacred and inviolate between all nations of the earth whose safety and repose it secures, and if mankind be not willfully deficient in their duty to themselves infamy must ever be the portion of him who violates his faith.

In 1817 we entered into a treaty with Great Britain to neutralize the Great Northern Lakes, so that not only warships would be unnecessary, but that fortifications on their shores would be unnecessary. Not for a single moment in nearly a century has either the spirit or the letter of that compact been violated—a most splendid monument to the integrity of the greatest maritime and commercial power of the world. Great cities upon the banks of those inland seas are resting securely in the faith pledged in that contract between the now two great nations of the world. That treaty of neutrality includes more than 2,000 miles of coast line between Canada and the United States. This uninterrupted peace has bred a warm mutual friendship, kindly cooperation, destroyed racial prejudice, and started us upon a course that will eventually take down the commercial wall between us, and for the purpose of our mutual advancement and prosperity make of us one people. [Applause.]

The Suez Canal, neutralized in 1888 by the six great powers of Europe, in which, however, we did not participate, but whose binding force we now acknowledge, has remained the open door of eastern Europe to the Orient and has never been closed for an hour. Not a man or a vessel in a quarter of a century has been necessary to preserve absolute neutrality and the complete observance of all the provisions of the treaty. We meet the charge that these great nations can not be trusted to respect their solemn compacts with all the force of history and unimpeached integrity of the high contracting powers. The concert of Europe, involving the six great nations, that act in unison on all questions touching their continental interest, have never violated a conventional agreement.

The opening of the canal will induct into that compact not alone this Republic, but likewise the Government of Japan, constituting a concert of world powers. Swept into the arena of commercial and humanitarian affairs of international importance in the solution of whose complex questions our voice will be heard and heeded, the canal will bring the commercial world face to face with new international conditions, and with the same policy she has marked her imperishable history—a policy of peace—she will solve the problems that confront us.

There are but two great powers with whom there is even the possibility of war—Japan and England—and both are friendly. The Japan war cry is due again. Let the alarmist who wants to fortify the canal against the Japanese contain himself. Give the Japanese credit for having some political and business sense. Is there insanity enough in any Member of this House to assert that Japan would ever pass through the canal to engage us in battle on our eastern seaboard; that she would even attempt to bombard the canal from our western coast, knowing, as she must, that her complete destruction was imminent in that event? As well suppose that she would have abandoned Port Arthur and Manchuria at her very door and crossed the Indian Ocean and Red Sea, threaded her way through the Isthmus of Suez into the Mediterranean, through the Bosphorus into the Black Sea, and engaged Russia at Odessa or Sebastopol, as to expect that power to cross 10,000 miles of open sea to contest her rights or to redress a fancied wrong with one of the strongest nations. [Applause.] Japan has eight coaling and supply stations, but not one on this hemisphere. Standing fifth in sea strength, she will continue to remain in that position even when all the war vessels are completed that are now ordered. The tonnage of our warships is 824,000 tons; that of Japan 493,000 tons. She will have two Dreadnoughts to our 10 when builded and one battleship to our 25. When her present authorized armament shall have been completed she will have made a smaller per-

centage of tonnage gain than any one of the six great powers of Europe except Austria. When Japan attacks the United States she will invest a new Manchuria, a new Port Arthur, and compel us to maintain the honor, dignity, and rights of this Government 10,000 miles from home. She will not do so, because she would not strike a fatal blow at her commerce, so closely allied with our trade in preference to that of any European power, and because politically she can claim the friendship of the Republic that she has always courted.

Mr. COX of Indiana. Will my colleague yield again—

Mr. CLINE. I have only a few minutes.

Mr. COX of Indiana. The gentleman does not take kindly to the doctrine or the argument which has been advanced here that we will have a war with Japan within the next 10 months?

Mr. CLINE. No; I do not. I have passed over a complete solution of that question, I think.

Why should the British Empire involve herself in war with us when war and its preparedness has crushed her to the earth with debt? Why fortify the canal to escape an attack by England, that Government which, through the victory of Nelson, became the maritime mistress of the seas in trade; that by her commerce has colonized the globe; that by her two and a half billions of export trade outstripped her two greatest rivals, whose future supremacy lies in the Eastern Hemisphere through our new gateway between the oceans. The markets of South America, English India, South Africa, and Australia wait for American and European merchantmen to cast an anchor in their friendly harbor. We are England's only dangerous rival for the trade of the world. Her great possessions in every zone, in every sea, on every shore demand the perfection of diplomacy to keep her two and one-half billions of foreign trade.

I invite your attention to another world-wide movement for peace—The Hague International Conference. This body, now recognized as an international parliament by the consent of nearly all the powers to establish such rules of conduct in war and such courts and tribunals to settle differences between nations, has received the official sanction of well-nigh every state, and in a very large majority of instances the acts of this body are ratified and given the force of international law by the powers that were represented in the conference. In all history no more efficient organization has ever been formed. At the last conference, held in 1907, the United States was well represented, our delegation being headed by Ambassador Choate. I quote from the proceedings. Appendix. International declaration concerning the laws and customs of war:

ART. 15. Fortified places alone are liable to be seized. Towns, agglomerations of houses or villages, which are not open, or undefended, can not be attacked or bombarded.

On April 17, 1908, the Senate of the United States, acting under the constitutional authority before quoted, in executive session advised and consented to the ratification of this section, giving it the same binding force as the ratification of a treaty would have. As the canal now exists there can be no bombardment, no attack. What we are asked to do is to take away from the people the pledge of the 44 powers represented in that conference, that the canal in its unfortified condition is absolutely safe from bombardment and attack. If we fortify the canal, we relieve these nations from this engagement and from the protection they offer. To expose the canal to invited hazards by fortification is a most extraordinary request. If such wise and timely international compact or declarations are not to be kept in good faith, why indulge ourselves in the farce of making them? Why do the meaningless act?

With the evolution of trade comes the evolution of peace. This is the condition toward which the whole world tends. Every act of intelligent manhood speaks for peace and all those blessings that peace possesses. Let the concert of nations wipe out national jealousies and military suspicions by an international agreement of complete neutrality and the end is reached. I have faith in the ultimate triumph of our increasing purpose to solve all difficulties by such mutuality. The Republic whose policy, inaugurated by its first President and consistently and faithfully followed by all of his illustrious successors, will not fail. A Republic that never shed a drop of blood in territorial conquest nor drew its sword in alliance with one that did, will ultimately become so powerful in its own personality that wars will cease. Wanton waste, repression of individual pursuits, destruction of national unity and power are the results of war. Peace begets industry, conserves wealth, and makes for national happiness. The potentiality of our national life and the self-reliant spirit of our citizenship urges us to peace. Because we are courageous and heroic, with a lofty patriotism, we have resisted territorial aggression for more than a century, when it would have been so easy to have swept under our flag two-thirds of this hemisphere. We made the States of this continent our

friends and allies, not with the sword but by that equity and justice with which we encircled and protected them. We are not for war. Our great cities, dotting 3,000 miles of coast line and on Lake and Gulf, shall not become smoldering heaps from the bombardment of a foreign or domestic foe. Our great States, springing into existence by the enchantment of soil and stream, shall not again be blackened and scourged by war. May the flag we revere and love never lead a conquering host to a field of carnage, but turn it to the haunts of the Prince of Peace. [Loud applause.]

Mr. FOSTER of Vermont. Mr. Chairman, the diplomatic and consular appropriation bill this year carries a total of \$4,056,372.41. This is a decrease of \$59,709 from the amount carried last year. It should be stated, however, that this decrease is apparent rather than real. For the last year the bill carried an appropriation of \$250,000, which is the annual amount we are bound to pay to the order of the Republic of Panama for our concessions in connection with the Canal Zone. It seems wise that all appropriations in connection with the construction of the canal should emanate from one committee, and for this reason the bill this year does not include that item. The bill shows a slight increase over the amount carried last year for the support of our foreign service. There is only one large item, and that is for \$50,000 for additional clerk hire in our consulates. The purpose of this increase is to enable the Department of State to carry out the policy which is approved by Congress and by the American people of Americanizing these consulates. In the days gone by a very large number of our consular clerks were foreigners, and to-day quite a proportion of the clerks in our consulates where the salary is \$800 or less are foreigners.

In this connection I want to call the attention of the committee to an interesting fact indicating the care and wisdom with which this service is being administered by the State Department.

The total gross cost of our Consular Service for 1910 was \$1,928,561.77, but the total amount of consular fees covered into the Treasury during the same time was \$1,762,132.72. So the net expense of the Consular Service for the fiscal year 1910 was \$166,428.05. The net expense of the service for the fiscal year 1909, the preceding year, was \$249,030.92, and for the fiscal year 1908, \$296,356.61.

From these figures it appears that the net expense of the service for the year 1910 was \$129,228.56 less than it was in 1908, and \$82,612.87 less than it was in 1909. This is due to the new system which has been inaugurated by which the fee system in connection with the compensation of our consuls has been entirely abolished. Our consuls are required to keep a very careful and accurate statement of all fees received, and these fees are paid over into the Treasury of the United States, with the result, as I said before, that for the fiscal year ending the 30th of last June our Consular Service cost us less than \$167,000, and more than \$80,000 less than the year before, and nearly \$130,000 less than two years ago. If this method keeps on, although we are adding each year a reasonable sum to this necessary fund for Americanizing the clerks of the consulates, the time is near at hand when this very important branch of the public service will cost less than \$100,000.

Mr. MARTIN of South Dakota. Will the gentleman yield for a question?

Mr. FOSTER of Vermont. Certainly.

Mr. MARTIN of South Dakota. When did this new system begin in its operation?

Mr. FOSTER of Vermont. It started about five years ago, I think, when we passed the bill reorganizing the Consular Service. To be exact, that law was enacted in the second session of the Fifty-ninth Congress.

Mr. MARTIN of South Dakota. Approximately, what was the net cost of the Consular Service at that time, just before the new system went into effect?

Mr. FOSTER of Vermont. I have not the figures here, but it was very nearly the amount of the gross cost to-day.

Mr. MARTIN of South Dakota. I see.

Mr. FOSTER of Vermont. We have increased the salaries of some of the consuls and we have increased the salaries of some of the clerks, but there is no very great difference between the gross cost of the service to-day and the gross cost of the service before this change went into effect.

Mr. MARTIN of South Dakota. The gentleman would consider, then, that probably as a result of the new system a saving of at least a million dollars a year has been thus far effected?

Mr. FOSTER of Vermont. Undoubtedly so. You can understand how that was. Our consul in London was given a fair salary and all the fees he could collect, and it was generally

understood, the annual income from those fees amounted to \$40,000, at least.

Mr. MARTIN of South Dakota. In the personnel of the service, and in the satisfaction with the men engaged in the service, has there been any loss to the Government under the new system?

Mr. FOSTER of Vermont. I think, on the contrary, that there has been a steady improvement in the personnel of the service. You can see how reasonable this statement is. We now have these different classes of consular officers: First, consular clerks; second, consular assistants; and, finally, consuls. The consuls are divided into nine classes, based upon the importance of the position and the salary carried. The salaries of these different classes vary from \$2,000 to \$12,000 per year. Before one is appointed to a consulship he is required to pass a rigid examination. Such of the successful candidates as receive appointments are appointed to fill vacancies occurring in the lower classes of consulships. They are then in line of promotion through all the various classes to class 1, which affords positions carrying \$12,000 per year. The candidate must be able to use one language in addition to his own. Next below the consuls come the consular assistants. These are really high-grade clerks. The candidates for these positions are required to pass the same rigid examinations as are required of candidates for consulships. The successful candidate is given a position in some one of the more important consulates, like London, Paris, or Berlin. His salary at the start is \$1,000, and he is given an increase of \$100 a year until his salary reaches \$1,800. In the meantime, if he shows himself qualified and efficient, he may be appointed without further examination to a consulship in one of the lower classes.

Then he has before him a prospect of promotion from grade to grade and from rank to rank in the consular classes until he reaches the highest, with a \$12,000 salary. So that to-day, in consequence of this system, we are getting into the service young men of a higher grade and of better education and better ability than we were able to get under the old system, where a new consul was given a position of \$2,000 or \$3,000 or \$4,000, with the understanding that it was to be held only for a short time, and probably not longer than the then existing administration.

Mr. MARTIN of South Dakota. In practice has it not resulted in a longer tenure of service and in greater stability in the personnel?

Mr. FOSTER of Vermont. Yes; very much more so.

Mr. KAHN. The new system practically insures to a man an attractive career?

Mr. FOSTER of Vermont. Yes; when he is fit for it.

Mr. BENNET of New York. Will the gentleman yield for a moment?

Mr. FOSTER of Vermont. Yes; certainly.

Mr. BENNET of New York. A gentleman was appointed in the Consular Service from one of the Dakotas, Mr. Gabriel Bie Ravndal, a very superior officer, who was in the Consular Service at Beirut, and recently there was a vacancy in the position of consul general at Constantinople on the death of Mr. Ozmun, and instead of a new man's being sent from the United States to fill that place, Mr. Ravndal, who was familiar with the language and customs and manners of the country, was made consul general at Constantinople, and another gentleman was brought up to fill the vacancy at Beirut. I know of another case, where a gentleman was consul at Bagdad, and the same thing happened to him. Since June, 1906, there has been only one appointment in the Consular Service which has not been in strict accordance with this merit rule.

Mr. AUSTIN. What exception was that, may I ask?

Mr. BENNET of New York. That of Mr. Crowninshield, who was appointed consul at Naples in accordance with a promise made some time before the new system went into operation.

Mr. MARTIN of South Dakota. Of course I am quite familiar with the cases the gentleman refers to, but I may say that we have in the consular service a gentleman from our State, Mr. Edwin Young, who has had quite a career, and it was for the purpose of bringing the matter before the committee and showing the opportunity afforded for advancement to young men in this service by the new system that I asked the gentleman my question.

Mr. AUSTIN. The gentleman from Vermont spoke a moment ago about the allowance for clerk hire in the consular service. I would like to ask him if the committee has carried into this bill the full amount of the estimates submitted by the State Department for clerical allowance in the consulates?

Mr. FOSTER of Vermont. Yes; we have.

Then there is one other class of consuls who may be called consular inspectors. These are five in number. Before the new

régime went into effect it was too often the fact that our consuls were sent abroad to remote positions, where the salary was small, and to all intents and purposes they became lost to the Government. There was no close connection between them and the State Department. The State Department had no method of keeping in touch with them or keeping itself informed as to how they were succeeding. Now we have the world divided into five districts, and each of these consular inspectors is given a district, and he is expected to make frequent inspections and to keep the department informed as to consular conditions in his district. And this has brought about a much higher grade of efficiency among our consulships than before that time existed. I do not say that this is true of all our consulships, but it is true of many of them.

In this connection I want to call attention very briefly to the fact that there is a bill now pending before the House for the purpose of further increasing the efficiency of this service. It is a bill which goes just as far as the Constitution will permit us to go toward enacting into law the executive orders which have done so much toward placing this service under the merit system. That measure was unanimously reported from the Committee on Foreign Affairs, and I hope to see favorable action taken upon it before this Congress adjourns.

Then there is another bill pending which I hope will receive favorable action before Congress adjourns, which modifies somewhat the classification of the consulships which was effected by the legislation had in the second session of the Fifty-ninth Congress.

Mr. MANN. Are the provisions of that bill carried in this bill?

Mr. FOSTER of Vermont. Not at all.

Mr. MANN. I mean, is this bill made on the theory of that one?

Mr. FOSTER of Vermont. Not at all. That bill has passed the Senate with eight changes—changes which I do not approve. The bill was reported out from our Committee on Foreign Affairs unanimously.

Mr. MANN. The House bill?

Mr. FOSTER of Vermont. The House bill. The House bill is now on the calendar, and I hope to see it passed. Of course, when we come to say in which class Bagdad should be, for instance, we must rely very largely upon the facts reported to the State Department by this inspecting consul. Bagdad is one of the changes that the Senate made in the bill. We increased the salary of the consul at Bagdad. The Senate cut out the increase. Perhaps the sound of the name had something to do with this. But Bagdad is one of the worst places to which we could send a man to act as our consul. The thermometer ranges around 120 all through the summer, and it goes down to zero in wintertime.

Mr. MARTIN of South Dakota. It strikes a good average.

Mr. FOSTER of Vermont. It is an expensive place for the consul to live, and in my judgment the change made in the Senate was not well founded.

I have caused to be sent to every Member of the House a copy of this bill, together with a copy of the letter from the State Department transmitting it, showing just what changes are proposed and the reason for them; and I want to say to the committee that I sincerely hope every Member of the House will examine the bill and this letter and be prepared to vote upon it in case we succeed in getting consideration for the bill. It is an important measure. It is one that was prepared with great care. Of course it had to be prepared very largely by the State Department. Your chairman of the Committee on Foreign Affairs cooperated somewhat, but it was prepared principally by the State Department after very careful consideration of all the returns and all the reports from these inspectors and all the information that could be had from other sources. Your committee considered the bill very carefully and are unanimously of the opinion that the bill should pass. Of course it would require considerable time to take up each item of that bill and go through in detail the reasons for the changes, but when the bill comes up for consideration we will be prepared to answer any questions that any Member of the House desires to ask.

Mr. FOSTER of Vermont. Mr. Chairman, I ask that the Clerk read the bill under the five-minute rule.

The CHAIRMAN. If there is no further general debate, the Clerk will report the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

Charges d'affaires ad interim, \$50,000.

Mr. MACON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee the necessity for the increase of this item. I notice it is increased about 20 per cent.

Mr. FOSTER of Vermont. That is the amount that is found necessary for the payment of the salaries of the *chargés d'affaires ad interim*, where the minister is absent. It is fixed by law. No more can be used than the law permits, and this is the estimate of the department for the ensuing year. We felt, upon careful investigation, that it was likely to be all needed.

Mr. MACON. There will be more absentees, perhaps, this year than last.

Mr. FOSTER of Vermont. We have been rather niggardly in allowing for this, and I can assure the gentleman from Arkansas that I do not believe there is the least danger of any extravagance in connection with this very moderate increase. It will be noticed that we have increased but slightly the various sums carried by the last bill.

Mr. MACON. But this is a 20 per cent increase.

Mr. FOSTER of Vermont. Yes; it is one of the largest increases, and yet the amount itself is not large.

Mr. JOHNSON of South Carolina. Mr. Chairman, I would like to ask the gentleman a question. Most of the salaries, perhaps all the salaries, of ambassadors and ministers and consuls are fixed by statute?

Mr. FOSTER of Vermont. Absolutely.

Mr. JOHNSON of South Carolina. This bill appropriates a sufficient sum of money to meet the salaries provided by law?

Mr. FOSTER of Vermont. That is exactly correct.

The Clerk read as follows:

Japanese secretary of embassy to Japan, \$3,600.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order on that for the purpose of asking the gentleman a question. Why has the secretary of embassy to Japan a higher salary than the secretary at Austria-Hungary or Great Britain or France?

Mr. FOSTER of Vermont. It is because he is a man who speaks Japanese. That accounts for it. We changed the language a little; he is now known as the Japanese secretary of the embassy. That is because we desired to follow the practice there.

Mr. COX of Indiana. The reason he has \$600 above the other corresponding secretaries is owing to the fact that he has to speak the Japanese language?

Mr. FOSTER of Vermont. That is the fact.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CURRIER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bills and joint resolution of the following titles.

S. 574. An act to authorize J. W. Vance, L. L. Allen, C. F. Helwig, and H. V. Worley, of Pierce City, Mo.; A. B. Durnil, D. H. Kemp, Sig Solomon, J. J. Davis, S. A. Chappell, and W. M. West, of Monett, Mo.; M. L. Coleman, M. T. Davis, Jared R. Woodfill, jr., J. H. Jarrett, and William H. Standish, of Aurora, Lawrence County, Mo.; and L. S. Meyer, F. S. Hefferman, Robert A. Moore, William H. Johnson, J. P. McCammon, M. W. Colbaugh, and W. H. Schreiber, of Springfield, Greene County, Mo., to construct a dam across the James River, in Stone County, Mo., and to divert a portion of its waters through a tunnel into the said river again to create electric power.

S. 8457. An act to restore to the public domain certain lands withdrawn for reservoir purposes in Millard County, Utah;

S. 9443. An act providing for the naturalization of the wife and minor children of insane aliens making homestead entries under the land laws of the United States;

S. 10011. An act for establishing a light and fog-signal station on the San Pedro Breakwater, Cal.;

S. 10015. An act for rebuilding and improving the present light and fog signal at Lincoln Rock, Alaska, or for building another light and fog-signal station upon a different site near by;

S. 10596. An act to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn.; and

S. J. Res. 132. Joint resolution authorizing the delivering to the commander in chief of the United Spanish War Veterans of one or two dismounted bronze cannon.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 10177) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bill of the following title:

S. 10318. An act authorizing the Commissioner of the General Land Office to grant further extensions of time within which to make proof on desert-land entries, with an amendment, page 1, line 2, strike out "the" where it occurs the first time and insert "any."

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Quarters for the student interpreters at the embassy to Japan: For rent of quarters for the student interpreters attached to the embassy at Tokyo, Japan, \$600.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order. Why should we leave off the language carried in the last bill, "or so much thereof as is absolutely necessary?"

Mr. FOSTER of Vermont. Because it is absolutely superfluous. We tried to make this bill as concise as possible. I found that phrase used in connection with some paragraphs and not with others. There is no sense in it. They can use only what is necessary, anyway.

Mr. COX of Indiana. I wanted to know if it had any significance in leaving it out all through the bill.

Mr. FOSTER of Vermont. I cut it out because it was wholly unnecessary.

The Clerk read as follows:

Contingent expenses, foreign missions: To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, compensation of kavasses, guards, dragomans, and porters, including compensation of interpreters, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, \$375,000.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word. Will the chairman explain what proportion of the \$275,000 goes to pay rent, as specified in the paragraph?

Mr. FOSTER of Vermont. I have not the figures here and have not that information at hand. I will say to the gentleman, however, that the report of the department as to the expenditure of this fund last year is in the possession of each Member of the House, and it can be readily ascertained as well as every other fact in connection with the use of this contingent fund. I think about one-half of it went for rent.

Mr. HARRISON. Does the gentleman know whether the rent is paid only for chancelleries or for dwelling quarters?

Mr. FOSTER of Vermont. My understanding is that it is only for the chancelleries and no rent for dwelling quarters.

Mr. HARRISON. Then does the gentleman expect that an appropriation will be asked for this year to construct the embassy and legation buildings authorized to be built?

Mr. FOSTER of Vermont. I hope so.

Mr. HARRISON. Then, inasmuch as these new buildings will contain not only the dwelling houses but the chancelleries, it is to be expected that the amount of contingent expenses will be reduced eventually by one-half of this sum, and therefore that much will be taken out of the bill?

Mr. FOSTER of Vermont. The gentleman is absolutely right.

The Clerk read as follows:

International (Water) Boundary Commission, United States and Mexico: To enable the commission to continue its work under the treaties of 1884 and 1889 and 1905, \$50,000.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word. Will the chairman of the committee explain to us whether this paragraph is inserted by reason of the provisions of the treaty between the United States and Mexico?

Mr. FOSTER of Vermont. Absolutely so.

Mr. HARRISON. Does this refer to the same work which is sometimes described as eliminating the bancos of the Rio Grande?

Mr. FOSTER of Vermont. Yes.

Mr. HARRISON. How many years has it been going on?

Mr. FOSTER of Vermont. I can not tell exactly. I have not the date of that, but quite a number of years.

Mr. HARRISON. How many years is it expected to continue?

Mr. FOSTER of Vermont. Unless some new method of fixing the boundary line between the two countries is agreed upon it will go on just as long as water runs in the Rio Grande.

Mr. HARRISON. Are not the bancos of the river constantly shifting, so that this is likely to be indefinite?

Mr. FOSTER of Vermont. It is likely to be a permanent, indefinite appropriation.

Mr. HARRISON. Has this any relation to the agreement arrived at between the Government of Mexico and our Government to protect the rights of Mexicans from diverting the water supply of the Rio Grande by our people?

Mr. FOSTER of Vermont. I do not understand that it has. This is simply the commission that has to do with the boundary line between the two countries.

Mr. HARRISON. And the gentleman has no hope that it will ever come to an end?

Mr. FOSTER of Vermont. Well, I was talking with the special ambassador from Mexico, who visited this country recently, upon this subject. He raised the query whether it would not be better for the two nations to agree that the center line of the Rio Grande should be the dividing line, no matter where that line chances to be from day to day.

Mr. HARRISON. No matter whether it shifts or not?

Mr. FOSTER of Vermont. Whether it shifts or not. Of course, that would result, as it frequently does now for that matter, in an American waking up in the morning and finding himself a Mexican, and vice versa. Now, as the gentleman from New York understands, when one of those sudden changes is made, this commission gets together and determines where the line shall be with reference to the particular banco. Mexicans as well as Americans who have studied the vexatious problem have asserted that the present method is the only feasible one.

Mr. HARRISON. How do they spend this \$50,000 a year?

Mr. MANN. And why is it necessary to increase it by \$15,000 this year over what it was last year?

Mr. FOSTER of Vermont. We asked the chairman of the commission, Gen. Anson Mills, about that last year. He said that he saw no particular reason for believing that this appropriation would vary very much from year to year. This year he stated that, first, because of several unexpected bancos, their work would be increased during the next year; secondly, they have been called upon to do some measuring of the water of the Rio Grande for our Government, which increased the expense; and then, thirdly, this commission, together with the Mexican commission, together with an umpire, has been assigned the work under the treaty of arbitrating the title to what is known as the Chamizal tract, and that this would increase somewhat the expense of the commission proper.

Mr. HARRISON. There is another appropriation for that in this same bill.

Mr. FOSTER of Vermont. Yes; there is an appropriation for the arbitration, but the chairman said that in the preliminary work the commission itself would be put to some expense.

Mr. HARRISON. What proportion of this \$50,000 would go in salary and what proportion in engineering work?

Mr. FOSTER of Vermont. It nearly all, practically all, goes for engineering work.

Mr. HARRISON. How many persons are employed on a salary?

Mr. FOSTER of Vermont. I think the employees are as a rule paid by the month. The number varies from time to time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER of Vermont. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSTER of Vermont. The chairman of the Commission indicated that a larger portion of this money goes for the employment of engineers.

Mr. COX of Indiana. How many does he employ?

Mr. FOSTER of Vermont. Well, we have a statement here.

Mr. FLOOD of Virginia. He employs different numbers at different times.

Mr. COX of Indiana. What is the average a year?

Mr. FLOOD of Virginia. Sometimes two or three and sometimes—well, only a few on a permanent salary.

Mr. COX of Indiana. On the appropriation last year of \$35,000, what would it be?

Mr. FLOOD of Virginia. I can not tell the gentleman.

Mr. FOSTER of Vermont. Just a word; I will read. This question was asked the chairman of the commission:

What salaries do you pay, General? What rate of salaries do you generally pay your employees?

Gen. MILLS. We pay the consulting engineer, Mr. Follett, \$400, and we pay his assistants from—I think the highest is \$200, down to \$125.

Mr. GARNER. Per month?

Gen. MILLS. Per month; yes.

So these engineers get from \$125 to \$400 per month.

Mr. COX of Indiana. Will the gentleman answer this question, if he can? What amount of money did Mexico appropriate for this purpose last year?

Mr. FOSTER of Vermont. I am unable to say. I have no figures here on that.

Mr. BENNET of New York. If the gentleman will permit me, Mexico spent just the same amount as we did.

Mr. COX of Indiana. Did Mexico appropriate last year \$35,000 for this purpose?

Mr. BENNET of New York. If that appropriation was made by us. By the provision Mexico pays half.

Mr. COX of Indiana. Is it a treaty agreement?

Mr. BENNET of New York. It is a treaty agreement, and if the chairman will permit me, one of the members of the committee who is from that section of the country has looked into this matter with a great deal of care with an idea of seeing how this money was going and whether it was being properly expended, and he came to the absolute conclusion—this is Mr. GARNER of Texas, who is not extravagant in his ideas—that this entire sum is necessary.

Mr. COX of Indiana. Then both Governments have to pay the same amount of money?

Mr. BENNET of New York. Yes.

Mr. STAFFORD. If the gentleman will yield to me, I understood the gentleman from Vermont to state during the past year, with an appropriation of \$35,000, some of the fund was used for work in connection with the determination of the title to the Chamizal tract.

Mr. FOSTER of Vermont. No; I did not mean that. I said that the chairman of the commission stated that some of this \$50,000, for which they are asking for next year, would be used by the commission in preliminary work preparatory to the sitting of the arbitration board for the hearing of the questions involved in the problem of the Chamizal tract.

Mr. STAFFORD. Well, under the provision, as carried on page 19 for the expenses with reference to the Chamizal tract, there is an appropriation of \$50,000 which is to be immediately available and to continue available. Wherein is the necessity then to call upon this fund for any such purpose, and wherein is the need of increasing the present item from \$35,000 to \$50,000?

Mr. FOSTER of Vermont. That very question was put to the chairman of the commission, Gen. Mills, by the chairman of the Committee on Foreign Affairs, and this is what he said:

Gen. MILLS. I can explain that matter, giving two or three reasons for the unexpected larger appropriation than was asked last year. In the first place, the Department of State has organized a larger commission to settle the Chamizal case, which you probably understand something about. There is to be a third member added to the commission for the consideration of that case only, and that will entail some additional expense on the Boundary Commission proper.

The CHAIRMAN. That is to say, this arbitration treaty provides for the consideration of the matter by your commission, increased by an additional member from each nation; is that it?

Gen. MILLS. No; an additional member from Canada.

The CHAIRMAN. An umpire?

Gen. MILLS. Yes; an umpire.

The CHAIRMAN. An umpire from Canada?

Gen. MILLS. Yes; and that will entail some additional expense.

We do not know what it may be.

The CHAIRMAN. Well, we provide for that in the other item.

Gen. MILLS. You provide for it so far as the salary and general expenses of this new commissioner are concerned, but I have already been called on for a good many maps and other matter that necessitates a good deal of work on the part of my own and the Mexican engineers.

Mr. STAFFORD. Can the gentleman inform the committee as to how many comprise this commission, and what are their salaries?

Mr. FOSTER of Vermont. There is one American commissioner and one Mexican commissioner.

Mr. STAFFORD. What salary do they receive?

Mr. COX of Indiana. We do not pay the Mexican, do we?

Mr. FOSTER of Vermont. We do not.

Mr. COX of Indiana. What salary do they receive?

Mr. FOSTER of Vermont. I think Gen. Mills is on the retired list now. I do not think he draws any salary.

Mr. MANN. Mr. Chairman, does the gentleman think the item will be reduced next year to \$35,000?

Mr. FOSTER of Vermont. I think so. The committee was reluctant to raise it, but we thought that Gen. Mills made out a good case.

The Clerk read as follows:

International Prison Commission: For subscription of the United States as an adhering member of the International Prison Commission, and the expenses of a commissioner, including preparation of reports, \$2,000.

Mr. HARRISON. Mr. Chairman, I make a point of order against the paragraph that it is not authorized by existing law.

Mr. FOSTER of Vermont. Mr. Chairman, I concede the point of order. The gentleman from New York [Mr. HARRISON] has served on the Committee on Foreign Affairs and he is undoubtedly familiar with the purpose of this item. I think it is unfortunate for him to raise the point of order. It is not a new matter. It has been carried since 1894. I believe that this International Prison Commission is doing a grand and good work, and I believe this great Nation of ours should be a party to it. This is only a small item, and I sincerely hope that the gentleman from New York will recall the excellent meeting we had in Washington last fall when this whole subject was under consideration. Perhaps some of the members of the committee may have been present at that time.

Mr. FOSTER of Illinois. Who is our commissioner?

Mr. FOSTER of Vermont. I can not give the name of our present commissioner.

Mr. MANN. The commissioner recently, I think, is Dr. Henderson, of the University of Chicago. It used to be somebody in New York City.

The CHAIRMAN. Does the gentleman from New York [Mr. HARRISON] insist on his point of order?

Mr. HARRISON. Does the Chair wish to hear me on the point of order?

The CHAIRMAN. The point of order has already been conceded, and—

Mr. HARRISON. I will be very glad to be given an opportunity of arguing the point of order, inasmuch as the remarks of the gentleman from Vermont [Mr. FOSTER] were directed to the merits of the case and not to the point of order.

My objection lies not in any respect to the merits of the appropriation for the International Prison Commission, but, as I stated in a previous debate upon this subject in the House, my objection lies to the method of the Department of State in negotiating agreements or conventions with foreign countries, which agreements or conventions are not subsequently ratified by the Senate of the United States, so that they do not attain the dignity of law. There is, therefore, no check upon the Department of State in calling upon us for appropriations for international bureaus or commissions. The proper method, in my opinion, would be either to present a joint resolution here in the House and have the International Prison Commission established by law, or else to submit to the Senate of the United States the convention under which the different nations are carrying on their International Prison Commission and have that convention ratified by the Senate of the United States.

Mr. FOSTER of Illinois. I want to inquire if there was such an agreement offered to the Senate and they failed to ratify it.

Mr. HARRISON. No agreement has ever been submitted to the Senate.

Mr. FOSTER of Illinois. Who made this agreement?

Mr. HARRISON. The agreement was entered into by the Secretary of State with the premiers or secretaries of state of various foreign countries.

Mr. FOSTER of Illinois. Without any authority of Congress?

Mr. HARRISON. Without any authority of Congress. That is the basis of my objection to this and similar appropriations. The Department of State should come into this House and get authority for entering into these agreements, or else have these agreements submitted to the Senate for ratification, so that they may attain the dignity of law.

Now, in this bill there are some 18 international bureaus or commissions, for which there is appropriated a total of more than \$158,000. Most of these international bureaus or commissions have become a law by either one of the two methods which I have suggested, but some of them have not; and I suggest, with all due deference to the gentleman from Vermont [Mr. FOSTER] and others of his committee interested in these appropriations, that they are not authorized by existing law, and the Chair must rule them out of order.

Mr. MANN. Will the gentleman yield for a question?

Mr. HARRISON. Certainly.

Mr. MANN. I am inclined to agree entirely with the gentleman from New York on the general proposition; but does he not think it might be considered a little ungracious—I do not mean ungracious on his part—to strike this out when we have just recently had this International Prison Congress here—when we had it here on our invitation only last year?

Mr. HARRISON. I think it is my duty as a Member of the House to point out where appropriations are not authorized by law.

Mr. MANN. I am not referring to ungraciousness on the part of the gentleman from New York at all; but would it not seem ungracious on the part of our Government in the first year after we had entertained the International Prison Congress to strike out this appropriation?

Mr. HARRISON. The ungraciousness, if there be any, extends further back than the proceedings here to-day.

Mr. MANN. I agree with the gentleman; but does he not think that it would be ungracious on the part of our Government to withhold the appropriation now, under the circumstances?

Mr. HARRISON. I do not believe in all this policy of mystery and halo and hands off with respect to the affairs of the State Department. The State Department should be subject to the will of Congress just the same as any other department of the Government.

Mr. FOSTER of Vermont. Will the gentleman yield?

Mr. HARRISON. Certainly.

Mr. FOSTER of Vermont. Just one word in reply to what the gentleman has said. Of course, upon the general proposition the gentleman from New York is perfectly right, but it is not best to rush into a treaty over some of these matters until they have grown to the right proportions.

Now, further on in the bill there will be found an item carrying an appropriation for an organization for investigating deep-sea fisheries. The Government had nothing to do with the organization of that bureau. It was organized, and it seems to some of us that that organization is doing a great work, and it seems to us that we should be a party to that work, and if it grows to the right proportions we will have a general international treaty. But in these international matters it is a good deal of work for the United States to get a general treaty entered into. When the International Institute of Agriculture was organized, our American representative in that body, Mr. Lubin, succeeded in negotiating a general treaty. We ratified it.

Now, we have on the American Continent the International Scientific Congress. It is a new organization. It is doing a great work. A congress was held down in South America within two years, and now they want to come here. We are not a party to the organization. The institution has not yet reached the proportions which would justify any international treaty.

There is no desire and no intent and no purpose on the part of the State Department to conduct its affairs respecting these concerns and these organizations in the way that the gentleman from New York would seem to indicate. But who is going to take the initiative for a general international treaty?

Mr. HARRISON. I would suggest to the gentleman that if those matters and similar matters have not reached the stage where they could properly be treated as a treaty or convention by the Senate, a course similar to that adopted by the friends of the International Geodetic Association for the Measurement of the Earth could be pursued, in which case a joint resolution was adopted, February 5, 1889, or in the case of the International Congress of Hygiene and Demography, where a joint resolution established the law upon which as a basis the appropriation might be made.

Mr. FOSTER of Vermont. I do not want to appear offensive to the gentleman from New York, because I know his motives are always of the highest, but in a case of this kind, which is rather an important matter, it seems to me to be rather a reflection on the Committee on Foreign Affairs to have this provision stricken out here on a point of order, only to have it inserted again in the Senate.

Mr. AUSTIN. How much is the amount involved?

Mr. FOSTER of Vermont. Two thousand dollars, and there are two or three other similar cases.

Mr. MANN. Mr. Chairman, I do not believe in making conventions or treaties without authority, yet I can see that there may be some advantage in not having a treaty or convention which binds us to make an appropriation, so that when the question is raised as to whether we ought to make the appropriation it will be urged, "Oh, we are bound by the treaty or the convention."

There are cases where it is much better, it seems to me, if we wish to make a contribution and do the work, to make that contribution and do the work from year to year without any binding obligation on our part, so that if at any time we choose to stop, as the gentleman may choose to have us stop now, we can do so. There are some provisions in this bill where we make appropriations in conformity with existing treaties that ought to be abolished because there is no excuse for them, yet we find ourselves bound to make the contribution by rea-

son of a treaty or a convention and we do not feel authorized to quit.

Mr. FOSTER of Illinois. Have we not the right to abrogate a treaty?

Mr. MANN. We have the right, but that is quite a different proposition.

Mr. FOSTER of Illinois. If we are making useless appropriations under any treaty, ought we not to abrogate that treaty and get rid of it?

Mr. MANN. Wherever there is an obligation carried by a treaty, the appropriation is made as a matter of course and without much, if any, investigation. They say, "There is the treaty, and we ought to make the appropriation."

Mr. FOSTER of Illinois. I agree with the gentleman on that; but if it is a useless expenditure, it seems to me that we might abrogate the treaty.

Mr. MANN. We do not investigate far enough to see whether it can well be abolished or not.

Mr. FOSTER of Illinois. We have had a very good Committee on Foreign Affairs.

Mr. MANN. There is no reflection at all on the Committee on Foreign Affairs. It is not the fault of the Committee on Foreign Affairs. It is their duty ordinarily to bring in a bill providing for an appropriation, if it is required by a treaty. I suppose they would be criticized if they did not.

Mr. FOSTER of Vermont. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To enable the Government of the United States to pay, through the American embassy at Berlin, its quota as an adhering member of the International Geodetic Association for the Measurement of the Earth, \$1,500.

Mr. MACON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee about how long it is thought it will take this association to measure the earth? They draw \$1,500 a year.

Mr. MANN. It will take a long time to reach the North Pole. [Laughter.]

Mr. MACON. Twenty-three years at least.

Mr. FOSTER of Vermont. We had before us a year ago several persons representing this work, and I can assure the gentleman from Arkansas that it is a very important scientific work in which this association is engaged. It doubtless will be some years before the work is completed.

Mr. MACON. How long have we been contributing to it?

Mr. FOSTER of Vermont. We have been contributing to it since February 15, 1889.

Mr. MACON. Twenty-two years. One thousand five hundred dollars each year?

Mr. FOSTER of Vermont. Yes.

Mr. MACON. Does the gentleman know how far the work has progressed, and how much of the earth has been measured up to this time?

Mr. FOSTER of Vermont. No; I can not tell. It is impossible to tell. It is a progressive work. They are making corrections all the time.

Mr. MACON. Does not the gentleman think they ought to report to somebody?

Mr. FOSTER of Vermont. Yes; and their reports are accessible. I will send the gentleman a report on the subject.

Mr. MACON. Showing how much they have measured up to this time?

Mr. FOSTER of Vermont. Yes; I will send their reports to him. They make good reading, instructive reading, and I assure him that if he will go through one of these reports carefully he will appreciate what I say to him now—that this is a very important scientific work, in which this great Government of ours is a party. Of course, when we read the title, the International Geodetic Association for the Measurement of the Earth, the committee all laughed, but after we had the gentlemen before us who were engaged in the work we became convinced of the importance of it.

Mr. MACON. Seriously, I think that if we are to contribute \$1,500 a year to this matter, as we have done for 22 years, we ought to know something about how much of the earth has been measured.

Mr. FOSTER of Vermont. I will see that the gentleman has that information promptly.

Mr. FOSTER of Illinois. The gentleman from Arkansas ought to promise to read it.

Mr. MACON. I think that those charged with the duty of measuring the earth ought to make some estimate as to how long it will take to complete it so that Congress may know

about the expense and can determine whether it wants to continue the work.

Mr. FOSTER of Vermont. We will endeavor to give the gentleman the information.

Mr. MACON. Mr. Chairman, I will withdraw the pro forma amendment.

The Clerk read as follows:

Pan American Union: Pan American Union, \$75,000: *Provided*, That any moneys received from the other American Republics for the support of the union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the union: *And provided further*, That the Public Printer be, and he is hereby, authorized to print an edition of the Monthly Bulletin, not to exceed 5,000 copies per month, for distribution by the union every month.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word. The proviso was not in the bill when it passed the House last year, but was inserted, I understand, by the Senate. Is it in the nature of an additional appropriation? Was not this work originally done at the expense of the Bureau of American Republics?

Mr. FOSTER of Vermont. Yes; and it is done now at the expense of the bureau, or union, as it is now called.

Mr. HARRISON. The Monthly Bulletin is a new publication?

Mr. FOSTER of Vermont. The Bulletin as it exists to-day is really a new institution.

Mr. HARRISON. Was not there heretofore a bulletin published at the expense of the Bureau of American Republics?

Mr. FOSTER of Vermont. Yes; and there is now. That is printed in English and Spanish and Portuguese.

Mr. HARRISON. How much expense will it entail on the Government?

Mr. FOSTER of Vermont. None at all.

Mr. HARRISON. \$50,000 or \$100,000 or \$10,000,000?

Mr. FOSTER of Vermont. It is simply for the printing.

Mr. HARRISON. Is not this a method to increase the appropriation to the Pan American Union?

Mr. FOSTER of Vermont. In addition to the \$75,000?

Mr. HARRISON. Yes.

Mr. FOSTER of Vermont. It comes out of the \$75,000.

Mr. MANN. There is no appropriation here made for it.

Mr. FOSTER of Vermont. This is paid for by the bureau, or union. The \$75,000, together with the quotas of the 20 other Republics, goes into the treasury of the union to pay this and all other bills.

Mr. COX of Indiana. Can the gentleman tell the committee how much money has been paid into the Treasury as the result of this proviso tacked on by the Senate last year?

Mr. FOSTER of Vermont. No; I can not tell about that. I know the Government is reimbursed for this printing, for this work.

Mr. COX of Indiana. I see the gentleman from New York on his feet.

Mr. BENNET of New York. I wanted to call the attention of the gentleman to the fact that some authorization is necessary to enable the Public Printer to do this printing, as the Pan American Union is not a department of our Government.

Mr. FOSTER of Vermont. All this is for is to give the authorization.

Mr. COX of Indiana. This proviso says that any moneys received from the other American Republics for the support of the union shall be paid into the treasury as a credit. My query was whether or not any money had been paid into the Treasury from the other countries?

Mr. FOSTER of Vermont. Certainly.

Mr. COX of Indiana. How much?

Mr. FOSTER of Vermont. I can not tell you how much, but nearly all the Governments have paid their full quota. There is a regular amount levied on each of the 21 Republics. Ours is \$75,000. The amount was fixed at the last Pan American conference.

Mr. COX of Indiana. The gentleman does not know what the quota of the other Republics is?

Mr. FOSTER of Vermont. No; I can not tell. It is based on population.

Mr. STAFFORD. I understood the gentleman to say that the amounts contributed by other countries was included in the \$75,000.

Mr. FOSTER of Vermont. No; I did not say that. If I did say so I did not intend to do so.

Mr. STAFFORD. I wanted to direct the attention of the gentleman to the fact that it says "in addition to the amount," and so forth.

Mr. FOSTER of Vermont. I think we pay just one-half; I think the whole amount is \$150,000 received from all countries. The Clerk read as follows:

For salary of one member of the permanent committee of the International Institute of Agriculture, for the calendar year 1912, \$3,600.

Mr. MACON. Mr. Chairman, I reserve the point of order on the item. It seems to be new in the bill.

Mr. FOSTER of Vermont. Mr. Chairman, we did not appropriate for it last year. This is one of those institutions that have grown up in recent years, and last year we simply appropriated our quota as a constituent member of the institute. It seems to me that this is clearly a treaty obligation.

Mr. HARRISON. Will the chairman report to the committee the terms of the treaty, and indicate whether it covers not only the appropriation in the first paragraph, but an appropriation for \$3,600 additional for a salary of a member of the permanent committee?

Mr. FOSTER of Vermont. It seems to me that this matter is a treaty obligation. I will read from the treaty:

The International Institute of Agriculture is to be a government institution in which each adhering power shall be represented by delegates of its choice. The institute shall be composed of a general assembly and a permanent committee, the composition and duties of which are defined in the ensuing articles.

This is the article to which I wish to direct attention:

Article VII. The permanent committee shall be composed of members designated by the respective Governments. Each adhering nation shall be represented in the permanent committee by one member.

We are given no choice; we shall be represented in the committee by one member, and we have been so represented all these years. David Lubin, of California, has been patriotic enough to live there and give his time and services to the task of serving us as our member of the permanent committee without a salary.

Mr. MACON. And that is why the bill has not heretofore carried an appropriation for a salary?

Mr. FOSTER of Vermont. No; that is not why. We have not done it before because there was some misgiving as to whether this institution was going to prove of sufficient importance to justify our going forward and continuing to be a member of it.

Mr. MACON. Does the gentleman think now, after investigation, that it is of sufficient importance to this country to warrant this appropriation?

Mr. FOSTER of Vermont. I do, and the committee does, and our Department of Agriculture, which has heretofore had some doubt about it, believes this appropriation should be made. I can say that the National Grange and some of our State granges have taken it up. The London Times had a very admirable editorial on the subject only recently. It seems to me that we are simply doing our duty in making this appropriation—our duty under the treaty.

Mr. COX of Indiana. How long has this man been a member of this committee?

Mr. FOSTER of Vermont. From its organization. It was organized in 1905, I think. The treaty was negotiated in 1905 and the organization was perfected immediately after. There are 47 Governments parties to this institute. The King of Italy took enough interest in it to build a palace for it.

Mr. COX of Indiana. He occupies a unique position, in that he has never come to Congress to ask for a salary heretofore.

Mr. MACON. I withdraw the point of order.

Mr. COX of Indiana. I renew the point of order.

Mr. AUSTIN. This is not subject to a point of order.

Mr. COX of Indiana. I want to get some information. Does this man give his entire time to this?

Mr. FOSTER of Vermont. His entire time.

Mr. COX of Indiana. For the last five years.

Mr. FLOOD of Virginia. Mr. Chairman, this is not subject to a point of order.

Mr. FOSTER of Vermont. Oh, no.

Mr. COX of Indiana. I ask the gentleman if he has given his entire time for five years.

Mr. FOSTER of Vermont. He has given his entire time. He is a very enthusiastic man. I will tell the gentleman something about him. He came over here from northern Europe, and worked for some time in a watch factory in New England. Then he went to California and became interested in agriculture. He made some money, and he conceived the idea of a great international institute of agriculture.

He went over to Rome and interested the King of Italy in the movement, and it was through the impetus given to the movement by the King of Italy that he was able finally to secure this general treaty and the organization of the institute. He

has given all his time to it since that time and has paid his own expenses and has labored incessantly for the success of the institute.

Mr. COX of Indiana. He must be a man of some considerable wealth.

Mr. FOSTER of Vermont. Yes; he is a man of considerable wealth, but the time is now coming, or rather he feels that the time is now at hand, when he should be permitted to lay down the work. He was here a year ago.

Mr. COX of Indiana. Does he want to give up the job?

Mr. FOSTER of Vermont. He wants to give up the job and he wants an appropriation made, so that some one can be found to take his place over there, with his enthusiasm, and do the work which he has been doing.

Mr. BUTLER. Can we get such a man as that for \$3,600?

Mr. COX of Indiana. Mr. Chairman, I withdraw the point of order.

Mr. HAYES. Mr. Chairman, just a word, to follow what the gentleman from Vermont has stated. I desire to state that Mr. Lubin is a man of wealth. He has given his time to this institute as a matter of public interest. He is a very public-spirited man, and the reason why he desires to retire now is not because—

Mr. COX of Indiana. Where does he live when he is in the United States?

Mr. HAYES. He lives in Sacramento, Cal., when he is at home. The reason why he desires to retire now is not because he has lost any interest in this institute or because he would not under other circumstances desire to continue to represent this country at Rome, but because of the condition of his health, on account of overwork, if you please, which compels him to retire. Therefore it becomes necessary, as the chairman has pointed out, for us to make an appropriation to pay another man to represent this country. Now, I desire to ask unanimous consent that I may insert in the Record, as part of my remarks, a resolution of the National Grange and an extract from the London Times on this subject.

The CHAIRMAN. The gentleman from California asks unanimous consent to insert in the Record the articles referred to. Is there objection? [After a pause.] The Chair hears none.

The articles are as follows:

Resolution passed by the National Grange at its forty-fourth annual session, Atlantic City, N. J., November 16-25, 1910.

The National Grange, profoundly interested in the cause of international fraternity and cooperation and in the commanding movement for its promotion which is the distinguishing mark and glory of our age, feels peculiar pride and satisfaction in the fact that it is in the field of agriculture that the work of international organization has achieved one of its broadest and most beneficent results.

We rejoice that the International Institute of Agriculture, the conception and in great measure the creation of one of our American fellow citizens, and a member of our own order, has now won the confidence and support of almost all the great governments of the world and become one of the chief servants of all agricultural peoples. Its scientific investigations and invaluable publications promise to put a stop, at no distant day, to all disastrous and demoralizing speculation in agricultural products. We urge our own Government to that conspicuous support of its activities which befits the greatest of agricultural nations; and we urge more generous and practical provision for the wide spread of its regular bulletins and various publications among the farmers of the United States.

We recommend the appointment by the administration of the National Grange of a special committee to promote the interests of the International Institute in this country and to make its work of greater and more constant service to our people.

[The Times (London), Dec. 27, 1910.]

THE INTERNATIONAL INSTITUTE OF AGRICULTURE—ITS AIMS AND ACHIEVEMENTS.

The chief objects of the International Institute of Agriculture are well known—namely, to procure and disseminate information concerning the crops, yields, and market prices in all countries and trading centers of the world. It needed no prophet to foretell, when it was formally opened some two and a half years ago, that its first steps would be beset with difficulties; but, though it has met with many obstacles—mostly of a kind which was inevitable to its international character—its progress has been such as to satisfy even its most ardent supporters and more than justify its existence. Were the International Institute of Agriculture abolished to-morrow it is almost certain that the nations who now take part in it would speedily agree to replace it by some other similar institution. Everyone would acknowledge that equity in exchange, arising out of a correct knowledge of the world's agricultural staples and of their value, is the most important economic factor in the commercial, industrial, and agricultural life of a country. The institute has shown that knowledge can be obtained and has proved the possibility of obtaining it. It has demonstrated this so clearly that already all the most important of the producing and consuming countries are now engaged in creating a uniform system of crop reporting which will enable the institute, as their center, to issue periodically a summary of the world's supply.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I did not make the point of order upon the paragraph, although it has been twice ruled out of order on the point of order, notwithstanding the argument of the gentleman from Vermont.

Mr. FOSTER of Vermont. Was not that because it coupled with it each time an appropriation for paying our delegates? I have always understood that was the reason why it would make it subject to the point of order in the view of the gentleman from Illinois.

Mr. MANN. Now, if the gentleman will pardon me and permit me to say a word, I will be very much obliged to him.

Mr. FOSTER of Vermont. The gentleman generally gets an opportunity in spite of the gentleman from Vermont.

Mr. MANN. The only work this institution has ever pretended to do as I have ever heard of, and I have seen, I think, everything they have issued, is it pretends to gather the world's statistics on agricultural crops, and they have made a great advertisement about that during the past year.

They managed to fool the London Times, which probably was not a very difficult thing to do [laughter], because a newspaper is permitted to be fooled one day in order to retract the next, and we constantly see how the newspapers are fooled here and elsewhere about news. I have been told a good many times by gentlemen who are familiar with the gathering of crop statistics, because in the city from which I come people on the board of trade and elsewhere have to know what the world's crop statistics are, that there never was a greater fake on earth than this agricultural institute and its gathering of crop statistics.

Mr. STAFFORD. Do I understand a monument has been erected by the King of Italy to this fake in the form of a palace?

Mr. MANN. Well, the King of Italy has constructed a building in which to house this institute, and that is to his credit. I am not complaining about that. I did not make the point of order upon this item which has been heralded so widely and so many claims made about how they were going to gather crop statistics and get them before the world quicker than they are now. I am willing to let the institute try it, but if our people who are interested in the sale and production of grain had to wait on this institute to know the statistics in reference to crops, they would all go out of business.

Mr. OLMSTED. Would it not be a good thing if this stock and wheat gambling would go out of business?

Mr. MANN. I am not speaking of the wheat gamblers. I am speaking of the men who actually buy the wheat and put it in the warehouses, who warehouse it not only in the cities, but throughout the country, and who have to know what the production of wheat is, and who do not wait for information as gathered in a particular country to be sent to Rome and collated there, and then sent out to the world, not by wire, but by a bulletin.

But, if they can accomplish anything, very well. I am not complaining at this time. If it is subject to a point of order it will be just as much subject to a point of order another year as it is now.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. KAHN. I move to strike out the last two words. Mr. Chairman, I have known Mr. Lubin for many years, and I know the motives which actuated him in undertaking this great work. The gentleman from Illinois [Mr. MANN] is entirely mistaken if he thinks the sole purpose of the International Institute of Agriculture is gathering the world's statistics on the subject of wheat. Only recently the almond growers of California wrote me a letter asking me to intercede with the Secretary of Agriculture with the view of having statistics on the world's crop on the subject of almonds gathered and reported by this International Institute of Agriculture at Rome. And the Agricultural Department at Washington gave instructions of our country's delegate at Rome to gather such statistics.

Now, I apprehend that this great department of our Government, which is constantly doing magnificent work, would not attempt to send to the delegate of this Government at Rome a request to gather statistics if it believed the institution to be a fake. The best evidence of the fact that the institute has the approval of the Government is the fact that the Secretary has requested the institute to gather these statistics. It is only within the past year that the institute has commenced to issue its bulletins, and the bulletins are in demand all over the world, even as the crop reports of our own country are eagerly awaited by the people interested in the various commodities that are reported.

I am glad that no point of order has been made against this item. I know the public-spirited character of Mr. Lubin, and I only hope that if he ever retires his successor may be equally as vigorous in carrying on the good work.

The Clerk read as follows:

International Railway Congress: To pay the quota of the United States as an adhering member of the International Railway Congress for the year ending April 15, 1912, \$400.

Mr. HARRISON. Mr. Chairman, I make the point of order that the paragraph is not authorized by existing law.

Mr. FOSTER of Vermont. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Boundary line, Alaska and Canada: To enable the Secretary of State to mark the boundary and make the surveys incidental thereto, between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, and draftsmen as are necessary to reduce field notes, \$200,000, to be immediately available, together with the unexpended balance of the previous appropriation for this object.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

Mr. MACON. I reserve a point of order on the paragraph.

Mr. STAFFORD. I wish to obtain some information from the chairman of the committee as to the distinction that the Committee on Foreign Affairs makes in providing in this bill for expenses of commissions under treaty stipulations and not making provision for other commissions provided by treaty arrangement. There is on the calendar of the House, which was a few days ago objected to when on the Unanimous Consent Calendar, a Senate bill providing for the establishment and expenses of the International Joint Commission under the waterways treaty of January 11, 1909. That is a treaty obligation between this Government and Great Britain—

Mr. FOSTER of Vermont. Yes; and this is a treaty obligation.

Mr. STAFFORD. Wherein does the committee differentiate in not including a provision in the appropriation bill providing for the execution of that treaty?

Mr. FOSTER of Vermont. I would say to the gentleman that the matter referred to in that bill came up after our appropriation bill had been passed, otherwise it would have been included. In order to carry out that treaty some legislation was necessary, and ordinarily where there is need of legislation we do not carry it in the appropriation bills.

Mr. STAFFORD. I recognize the value of the treaty that had been entered into between this Government and Great Britain.

Mr. FOSTER of Vermont. The gentleman is entirely right. We make no difference where simply an appropriation is required. Ordinarily, if something more than an appropriation is required, if general legislation must be had, then we provide for it by special bills. But in the case referred to the matter came up after the committee had acted upon the appropriation bill.

Mr. STAFFORD. The gentleman makes a clear explanation of the distinction, and I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

Mr. MACON. Mr. Chairman, I want to ask the gentleman—

Mr. FOSTER of Vermont. This is a treaty obligation.

Mr. MACON. I see that the appropriation has been increased 100 per cent.

Mr. FOSTER of Vermont. I will say to the gentleman on that point that last year we had the representative of this work before us, and he told us that for this year the appropriation would necessarily be much larger because of the fact that he would have to keep his force in Alaska the year around. These gentlemen, I may say to the gentleman from Arkansas, traveled 500 miles on foot through the snow before they came to the place where they are working. We were told last year that while the sum carried in the last appropriation bill was all that would be required for the current year, the larger sum called for here would be necessary in order to enable them to carry on the work.

Mr. MACON. Now, you make this amount immediately available, and yet you reappropriate the unexpended balance. What is the necessity of making it immediately available if you have an unexpended balance that you want to reappropriate?

Mr. FOSTER of Vermont. Well, as I say, those people are up there. We want them to have the money as it is needed. That is the whole purpose in making it immediately available. I am satisfied, I can assure the gentleman from Arkansas, that this work is being pushed forward as rapidly as possible under the direction of the two Governments. From time to time we give just what money seems to be necessary in order to enable our American force to continue their share of the work.

Mr. MACON. About how long has this work been going on?
Mr. FOSTER of Vermont. This work has been going on about three years.

Mr. MACON. Has the gentleman any idea how long it will take to complete it?

Mr. FOSTER of Vermont. About eight years.

Mr. MACON. Does the gentleman mean eight years from now?

Mr. FOSTER of Vermont. No; eight years from the start.

Mr. MACON. Mr. Chairman, I will withdraw the point of order.

The CHAIRMAN. The gentleman from Arkansas withdraws the point of order.

The Clerk will read.

The Clerk read as follows:

For the actual expenses of the judge of said court, not to exceed \$10 per day, and of the district attorney, not to exceed \$5 per day, when sessions of said court are held at other cities than Shanghai, so much as may be necessary.

Mr. STAFFORD. Mr. Chairman, I will not reserve the point of order. I move to strike out the last word. Would the chairman of the committee have any objection to inserting, after the word "actual," the words "and necessary," in order to conform to the language usually employed in these measures with respect to the judiciary? I may say that there is a bill now pending in the Senate having in view a similar purpose, and we had under debate a few days ago a measure affecting the district and circuit judges, and the language was "actual and necessary expenses."

Mr. FOSTER of Vermont. We framed this language after due consideration, and it seems to me it would be difficult to improve upon it. When you speak of the actual expenses of a judge of the court, not to exceed \$10 a day, it seems to me you have a concise statement of it.

Mr. STAFFORD. It seems to me that I might have been able to obtain a greater concession from the chairman of the committee if I had reserved the point of order. [Laughter.]

Mr. FOSTER of Vermont. I do not think this is subject to a point of order.

Mr. STAFFORD. It is new.

Mr. MANN. Oh, no; it has been in for years.

Mr. BENNET of New York. Will the gentleman yield a moment?

Mr. FOSTER of Vermont. Certainly.

Mr. BENNET of New York. The language here is the exact language of the bill establishing the court, and if this should now be amended in accordance with the gentleman's suggestion next year it would be subject to a point of order, because the present provision is in the exact words of the statute.

Mr. STAFFORD. Then I do not care to press the suggestion. I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] withdraws the pro forma amendment. The Clerk will read.

The Clerk read as follows:

International Seismological Association: For defraying the necessary expenses in fulfilling the obligations of the United States as a member of the International Seismological Association, including the annual contribution to the expenses of the association and the expenses of the United States delegate in attending the meetings of the commission, \$1,800.

Mr. HARRISON. Mr. Chairman, I make the point of order that this paragraph is not authorized by existing law.

Mr. FOSTER of Vermont. I concede the point of order.

The CHAIRMAN. The point of order is sustained by the Chair.

The Clerk read as follows:

Bureau of the Interparliamentary Union for the Promotion of International Arbitration: For contribution by the United States toward the maintenance of the Bureau of the Interparliamentary Union for the Promotion of International Arbitration, \$2,500.

Mr. HARRISON. Mr. Chairman, I desire to make the same point of order against this paragraph, but I would like at the same time to ask unanimous consent that the point of order may be considered as withheld until the return of the gentleman from Missouri [Mr. BARTHOLOMEW], who wishes to express some views upon the point of order.

Mr. MANN. Let the paragraph be passed over temporarily.

Mr. FOSTER of Vermont. I ask unanimous consent that the paragraph be passed without prejudice.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent that the paragraph be passed without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

Ninth International Conference of the Red Cross: To meet the expenses of the Ninth International Conference of the Red Cross, to be held at Washington in 1912, \$20,000.

Mr. HARRISON. I make the point of order that this paragraph is not authorized by existing law.

Mr. FOSTER of Vermont. I shall have to concede the point of order.

Mr. COOPER of Pennsylvania. I want to ask the gentleman from New York [Mr. HARRISON] if he will not withhold his objection to this paragraph? It is the Red Cross item, is it not?

Mr. HARRISON. Yes.

Mr. COOPER of Pennsylvania. I ask the gentleman if he does not think it is a meritorious item, and that it ought to be taken care of?

Mr. HARRISON. Probably the gentleman was not in the Chamber at the time I made my original statement concerning all the paragraphs of the bill which are subject to a point of order. I stated that the objection did not lie, in any case, to the merits of the object covered by the paragraph, but to the method by which the appropriation was asked for, without due authority of law.

Mr. COOPER of Pennsylvania. I think there is such a well-defined and earnest demand in this country for the recognition of the Red Cross and its work that this item will undoubtedly be placed back in the bill by the Senate, and eventually will become a part of the appropriation bill, and I do not see any objection to the House retaining it in the bill now.

Mr. HARRISON. I shall be very glad to see the sum of \$20,000 or \$100,000, if necessary, appropriated in a proper and orderly manner for this very meritorious purpose, but it is not done in that way in this bill, in my judgment.

Mr. COOPER of Pennsylvania. I call the attention of the gentleman to the fact that some recognition of this society has been carried in other appropriation bills. Will the gentleman not consent to let it be submitted to the House on a vote, instead of striking it out on a point of order?

Mr. HARRISON. I will say to the gentleman that I have no power to do that. I would be very glad to vote for the appropriation.

Mr. COOPER of Pennsylvania. Then do not make the point of order, but make a motion to strike out the paragraph.

Mr. HARRISON. I have no such intention or desire. I only desire to call attention to a paragraph which is inserted in the bill out of order.

Mr. FOSTER of Vermont. It seems to me that the gentleman is not discriminating.

Mr. MANN. This is not a convention.

Mr. FOSTER of Vermont. The Red Cross does not belong to the class to which the gentleman from New York objects. This is a great international organization. The Government will not send delegates to or participate in the conference. The American branch has arranged for the ninth international conference of the Red Cross to be held here. It is a worthy cause. It does much for our Nation; not only the American branch of it but the foreign branches, for the Japanese Red Cross contributed largely to the city of San Francisco at the time of the disaster there. So great are the benefits that accrue to our own Nation that our American branch has asked our Government to contribute this \$20,000 toward the necessary expenses of the conference. So it seems to me that if the gentleman from New York reflects he will see that it does not come within that class of cases to which he objects.

Mr. HARRISON. I will ask the gentleman if the meeting of the Red Cross here is not on the invitation of our Government to other governments?

Mr. FOSTER of Vermont. I do not understand it so. It may be that our National Government transmits the invitation, because that sometimes is done as a matter of etiquette. But, as I understand, this is the organization itself that is holding this conference. There is no invitation about it. The American branch at its last conference succeeded in getting the congress to vote to hold its next congress here.

Mr. HARRISON. If the gentleman states to me that the Government has not initiated these proceedings and is not responsible for them, he has differentiated this case from the others, to which I have made the point of order, and I will withdraw it.

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

International conference to promote uniform legislation concerning letters of exchange: For the participation by the United States in the adjourned meeting at The Hague, in 1911, of the international conference for the purpose of promoting uniform legislation concerning letters of exchange, including compensation and actual necessary traveling and subsistence expenses of an expert delegate and a secretary, \$9,000, to be made immediately available.

Mr. HARRISON. Mr. Chairman, I make a point of order against this paragraph that it is not authorized by existing law.

Mr. FOSTER of Vermont. Mr. Chairman, I wish to say just a word by way of an appeal to the gentleman from New York. I think he should make another exception here.

Mr. HARRISON. I thought the gentleman assured me that I was not making an exception of the other.

Mr. FOSTER of Vermont. That is what I do mean; my language was inaccurate. We have participated in this conference. Its work was not completed, and it was determined to hold an adjourned meeting this year. It is strictly an adjourned meeting. It seems to me that in this case it would be awkward for us not to appropriate this \$9,000, which is necessary for the traveling and subsistence expenses of the expert delegate. The delegate lives in the city a part of which the gentleman from New York has the honor to represent. He is an expert on this subject. He has completed his work and is prepared to return to the conference if this amount is given to him. Now, it seems to me that this does not come within the class to which the gentleman is so much opposed. For that reason I respectfully, but urgently, request him to withdraw his point of order.

Mr. COX of Indiana. This is a new item, is it not?

Mr. FOSTER of Vermont. No; we made an appropriation for this conference two years ago. The conference was held, but the work was not completed. I have not at hand the document showing why, or for what purpose, an adjourned meeting of the conference is to be held. It is an important matter that is involved, and the conference adjourned to meet again next autumn. This is a continuation.

Mr. COX of Indiana. I am unable to find the item in the bill of last year.

Mr. FOSTER of Vermont. It was in that of two years ago, and this is for a continuation of the conference.

Mr. COX of Indiana. Why was not it put in last year's bill?

Mr. FOSTER of Vermont. Because we did not need any appropriation.

Mr. COX of Indiana. What good was accomplished in the item carried in the bill two years ago?

Mr. FOSTER of Vermont. We do not know yet, for they have not completed the work. We believe that the result is going to be good.

Mr. COX of Indiana. Have not they made any report whatever?

Mr. FOSTER of Vermont. They have not made any report to us. I have no doubt that our representative who lives in New York, and who is an expert, has made his report to the Treasury Department. This appropriation is asked by the Treasury Department. I hope the gentleman from New York will withdraw the point of order.

The CHAIRMAN. Does the gentleman from New York withdraw the point of order?

Mr. HARRISON. I do not.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Permanent International Council for the Exploration of the Sea: For the share of the United States in the administrative and other expenses of the Permanent International Council for the Exploration of the Sea, \$7,156.

Mr. HARRISON. Mr. Chairman, I make the same point of order on that.

Mr. FOSTER of Vermont. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FLOOD of Virginia. Mr. Chairman, I offer the following amendment as a separate paragraph, which I send to the desk and ask to have read, to come in after line 18, page 20.

The Clerk read as follows:

Add as a separate paragraph the following:

"That the Secretary of State is hereby authorized and directed to secure, by purchase or otherwise, a suitable building for an embassy building in the City of Mexico, and \$100,000, or so much thereof as may be necessary, is appropriated for that purpose."

Mr. STAFFORD. Mr. Chairman, on that I make the point of order.

Mr. FLOOD of Virginia. Mr. Chairman, a law has been passed authorizing the State Department to expend \$500,000 a year for embassy buildings, and that is the existing law. This is simply a direction to the State Department to select Mexico City as the first site for the purchase of an embassy building. I do not think it is subject to the point of order.

The CHAIRMAN. Does the gentleman say that that bill providing \$500,000 for the purchase of buildings has been passed and enacted into law?

Mr. FLOOD of Virginia. Yes.

The CHAIRMAN. Has the gentleman a copy of the act?

Mr. FLOOD of Virginia. Yes.

Mr. MANN. Mr. Chairman, I am inclined to think that it would be better not to have the point of order ruled upon. The act that passed the other day, and which is now a law, and a copy of which I hold in my hand, provides that the Secretary of State is authorized to acquire diplomatic and consular establishments for the United States, and so forth, suitable buildings and lands, and that not more than \$500,000 shall be expended in this fiscal year under the authorization herein made, and then contains this proviso:

Provided further, That in submitting estimates of appropriations to the Secretary of the Treasury for transmission to the House of Representatives the Secretary of State shall set forth the limit of cost for the acquisition of sites and buildings and for the construction, alteration, and repair, and furnishing of buildings at each place in which the expenditure is proposed, which limit of cost shall not exceed the sum of \$150,000 at any one place, and which limit thereafter shall not be exceeded in any case except by new and express authorization of Congress.

The purpose of that proviso was to secure Congress against improvident appropriations which would not be subject to points of order in the House, and the clear contemplation of the act was that the Secretary of State, in making his annual estimates or special estimates, would transmit to Congress a limit of cost as to each building or site to be acquired, and that is clearly expressed; so that if the Secretary of State had now transmitted an estimate with limit of cost \$100,000 for a site and embassy building at Mexico City, that limit of cost could not thereafter be exceeded. There is, however, no provision in the act which would cover the offering of an amendment in either House of Congress.

The act provides that not more than \$500,000 shall be expended in any one year, and that sum has not yet been reached in this appropriation bill, so that that limit of cost would not strike out the paragraph.

Mr. COX of Indiana. Will the gentleman yield?

Mr. MANN. Yes.

Mr. COX of Indiana. Does the gentleman believe that the act which he quoted from a moment ago gives Congress the power to make any appropriation until the Secretary of State makes his estimate as to what it is going to cost?

Mr. MANN. That is just what I prefer not to have decided.

Mr. COX of Indiana. I doubt very much whether Congress has the right to do it until the Secretary of State determines it.

Mr. MANN. Undoubtedly hereafter the policy will be for the Secretary of State to send in his own estimates, and those estimates will be followed; but I question whether the act requires the Secretary of State to send in an estimate. The act could not require that. What we provide is that the Secretary may acquire the buildings; that the amount in any one year shall not exceed \$500,000; and then there is a provision directing the Secretary of State to put in a limit of cost when he does send in his estimates, and when that limit of cost is included in that estimate it can not be exceeded. Probably the occasion will not often arise hereafter. I would be very sorry to see a ruling of the Chair now which would authorize amendments offered on the floor of the House probably for new sites and buildings.

That likely will not occur hereafter, because I take it hereafter the committee then in making reports will confine itself to those cases where estimates have been sent in. I hope the gentleman will not insist upon his point of order in order to have a ruling on that, as it might be just the reverse of what we would like to have.

The CHAIRMAN. Will the gentleman from Illinois direct his attention to the Chair for a moment? Does the gentleman argue that the act which directs the Secretary to submit an estimate of cost and which limits that cost, subject to subsequent authorizations of Congress, is a barrier to an amendment on this bill?

Mr. MANN. Mr. Chairman, I skillfully avoided the subject. I do not wish to express an opinion on the subject, and I hope the Chair will not be called upon to express an opinion on that subject.

The CHAIRMAN. Would it not be up to the Chair if it were insisted upon?

Mr. MANN. I hope the Chair will not feel at all that he is required to rule, and I hope the gentleman will withdraw his point of order.

Mr. STAFFORD. In regard to the question of whether the point of order is pressed or not, when this bill was under consideration in the House, though I opposed it by my vote, I thought that it was the purpose to safeguard the interest of the Treasury and the Government so that there would not be any lavish expenditure of the public funds for embassies and legations. I thought it would be left to the discretion of the State Department to determine the places where those embassy and legation buildings should be established. If I read this act

correctly, I think the act, if it shows anything, shows that the discretion is vested in the Secretary of State to determine the places where these embassy buildings should be established. That is not only indicated in the body of the act but also in the proviso, and the whole purpose of the act is predicated upon the idea that Congress will not proceed with the building of these embassies and legations until the Secretary of State makes investigation and recommends the places where they should be established. Believing that it was intended to vest discretion in the Secretary of State to determine the places where these buildings should be located, and not leaving it to the whim of the committee or of the House to determine any certain place, I think, unless some other reason is advanced why I should not press this point of order, that I will be compelled to do so.

Mr. COOPER of Pennsylvania. I want to call the gentleman's attention to the fact that the suggestion was made when the bill was under consideration that probably the first embassy building to be acquired or purchased would be in Mexico. I think that was the general understanding when it first came up.

Mr. LONGWORTH. Will the gentleman yield to me to ask the chairman of the committee a question? I simply want to ask the chairman of the committee whether the State Department has taken any action in this regard since the law was passed?

Mr. FOSTER of Vermont. It has not. It has not been practical in the time since the bill was passed for them to do anything in the matter.

Mr. COOPER of Pennsylvania. I would suggest to the gentleman this would be the only opportunity to make it possible for the Secretary of State to do anything in this regard.

Mr. MANN. He could send in the estimates in time for the House or Senate.

Mr. COOPER of Pennsylvania. After the bill is passed it is too late, unless it should be carried as a rider upon some other appropriation bill.

The CHAIRMAN. Does the gentleman from Virginia desire to say anything further on the point of order?

Mr. FLOOD of Virginia. Not on the point of order.

The CHAIRMAN. The Chair is prepared to rule on the point of order. The existing law, act of February 17, 1911, provides that the Secretary of State shall submit estimates of appropriations to the Secretary of the Treasury for transmission to the House of Representatives, and it establishes a limit of cost for those buildings contemplated by the act and provides a method of establishing that limit. In the light of existing law fixing a limitation of cost, and the method of procedure by the Secretary of State, the amendment presented by the gentleman from Virginia is clearly not in order. It is new legislation and therefore unauthorized by existing law. The Chair sustains the point of order.

The Clerk read as follows:

Relief and protection of American seamen: Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Panama Canal Zone, and the Philippine Islands, \$30,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word in order to call the attention of the chairman of the committee to an apparent error in describing Alaska as the "Territory of Alaska" instead of the "District of Alaska." I wish to substitute the word "District" for "Territory."

Mr. BENNET of New York. Mr. Chairman, five years ago I made a similar error and was corrected by our good friend, now unfortunately deceased, Mr. Cushman. Alaska is a Territory in all the descriptions in the statutes of the United States.

Mr. STAFFORD. I wish to say that there are committees acting under the misapprehension that it is a district, and considerable legislation describes it as a district. I am very thankful to the gentleman for correcting me in that particular.

Mr. BENNET of New York. I am only handing out the information I got myself on the floor of the House.

Mr. STAFFORD. It is the opinion of a number that it is a district.

The Clerk concluded the reading of the bill, as follows:

Contingent expenses, United States consulates: Expenses of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent (allowance for rent not to exceed in any case 30 per cent of the officer's salary), postage, furniture, including typewriters and exchange of same, statistics, newspapers, freight (foreign and domestic), telegrams, advertising, messenger service, traveling expenses of consular officers and consular assistants, compensation of Chinese writers, loss by exchange, and such other miscellaneous expenses as the President may think necessary for the several consulates and consular agencies in the transaction of their business, \$471,600.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I see that there is quite a reduction in the appropriation in this item?

Mr. FOSTER of Vermont. Yes; \$50,000.

Mr. MANN. I compliment the gentleman and his committee. Mr. FOSTER of Vermont. I thank you. If the gentleman from Illinois will some time look over the report of the expenditure of this fund by the State Department, he will appreciate the care with which that fund is appropriated. Really, it is a large sum for a Congress, with its policy, to hand over to a department to be disbursed in that way.

The CHAIRMAN. The committee will now return to page 18, for the consideration of a paragraph which was passed without prejudice, and which the Clerk will report.

The Clerk read as follows:

Bureau of the Interparliamentary Union for the Promotion of International Arbitration: For contribution by the United States toward the maintenance of the Bureau of the Interparliamentary Union for the Promotion of International Arbitration, \$2,500.

Mr. HARRISON. Mr. Chairman, I make a point of order against the paragraph, in that it is not authorized by existing law.

Mr. FOSTER of Vermont. I concede that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FOSTER of Vermont. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MOORE of Pennsylvania, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 32866, the diplomatic and consular appropriation bill, and had instructed him to report the same to the House with the recommendation that it do pass.

Mr. FOSTER of Vermont. Mr. Speaker, I move the previous question upon the bill to its final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. FOSTER of Vermont, a motion to reconsider the vote by which the bill was passed was ordered to be laid on the table.

THOMAS SEALS.

The SPEAKER laid before the House the bill H. R. 16268, an act for the relief of Thomas Seals, with Senate amendment.

The Senate amendment was read.

Mr. HOLLINGSWORTH. Mr. Speaker, I move that the House concur in the Senate amendment.

The Senate amendment was concurred in.

BRIDGE ACROSS MOBILE RIVER.

The SPEAKER also laid before the House the bill H. R. 31538, an act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite Mobile, Ala., with Senate amendments.

The Senate amendments were read.

Mr. MANN. Mr. Speaker, I move that the House concur in the Senate amendments, with an amendment striking out the semicolon after the word "mouth," on page 1.

The Senate amendment as amended was concurred in.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9221. An act for the relief of James Jones; and

H. R. 19756. An act for the relief of Michael J. Ryan, son and administrator de bonis non of John S. Ryan, deceased.

ENROLLED JOINT RESOLUTION AND BILLS SIGNED.

The SPEAKER announced his signature to enrolled joint resolution and bills of the following titles:

S. J. Res. 131. Joint resolution authorizing the Secretary of War to receive, for instruction at the Military Academy at West Point, two Chinese subjects, to be designated hereafter by the Government of China;

S. 10404. An act to authorize the Secretary of War to grant a right of way through lands of the United States to the Buckhannon & Northern Railroad Co.;

S. 9443. An act providing for the naturalization of the wife and minor children of insane aliens, making homestead entries under the land laws of the United States;

S. 8457. An act to restore to the public domain certain lands withdrawn for reservoir purposes in Millard County, Utah;

S. 10011. An act for establishing a light and fog-signal station on the San Pedro Breakwater, Cal.;

S. 547. An act to authorize J. W. Vance, L. L. Allen, C. F. Helwig, and H. V. Worley, of Pierce City, Mo.; A. B. Durnil, D. H. Kemp, Sig Solomon, J. J. Davis, S. A. Chappell, and W. M. West, of Monett, Mo.; M. L. Coleman, M. T. Davis, Jared R. Woodfill, jr., J. H. Jarrett, and William H. Standish, of Aurora, Lawrence County, Mo.; and L. S. Meyer, F. S. Hefferman, Robert A. Moore, William H. Johnson, J. P. McCammon, M. W. Colbaugh, and W. H. Schreiber, of Springfield, Greene County, Mo., to construct a dam across the James River, in Stone County, Mo., and to divert a portion of its waters through a tunnel into the said river again to create electric power; and

S. 10596. An act to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 21613. An act for the relief of Francis E. Rosier;

H. R. 23695. An act to provide for sittings of the United States circuit and district courts of the northern district of Mississippi at the city of Clarksdale, in said district;

H. R. 26150. An act to authorize the construction of drawless bridges across a certain portion of the Charles River in the State of Massachusetts; and

H. J. Res. 146. Joint resolution creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the Chickamauga and Chattanooga Military Park, and to likewise report as to certain lands in the State of Tennessee proposed to be donated to the United States for said purposes.

SENATE BILLS REFERRED.

Under clause 2 Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9874. An act to refund to the Gate of Heaven Church, South Boston, Mass., duty collected on stained-glass windows; to the Committee on Claims.

S. 10095. An act to provide for the acquisition of a site on which to erect a public building at Gilmer, Tex.; to the Committee on Public Buildings and Grounds.

S. 8047. An act for the relief of Clement A. Lounsberry; to the Committee on Military Affairs.

HERMAN GAUSS AND JOSEPH M. MCCOY.

Mr. CURRIER. Mr. Speaker, I present a privileged report (No. 2223) from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 991, in lieu of House resolutions 971 and 973.

Resolved, That there shall be paid out of the contingent fund of the House to Herman Gauss \$1,200 and to Joseph M. McCoy \$750, for extra and expert services rendered to the Committees on Invalid Pensions and Pensions, respectively, during the third session of the Sixty-first Congress, as assistant clerks to said committees by detail from the Pension Bureau, pursuant to law.

Mr. MANN. This is the usual resolution?

Mr. CURRIER. It is an increase of \$200 over the resolution passed at the last short session of Congress. It is the same amount as was given at the last long session.

The SPEAKER. The question is on agreeing to the resolution. The resolution was agreed to.

GEORGE CHADSEY.

Mr. CURRIER. Mr. Speaker, I also present the following privileged resolution (H. Res. 990; H. Rept. 2222) from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 990, in lieu of House resolution 956.

Resolved, That there shall be paid out of the contingent fund of the House to George Chadsey the sum of \$37.50, for clerical services rendered the late Representative W. P. Brownlow, of Tennessee, from July 1 to July 9, 1910, inclusive.

The SPEAKER. The question is on agreeing to the resolution. The resolution was agreed to.

ELEANORA THOMAS AND OTHERS.

Mr. CURRIER. Mr. Speaker, I also submit the following privileged report (No. 2221) from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 989, in lieu of House resolutions 922, 942, 951, 981, and H. R. 32818.

Resolved, That there shall be paid out of the contingent fund of the House amounts equal, respectively, to six months' compensation of the following-named employees of the House, now deceased, at the rate of compensation paid them at the time they died, and a further amount, not exceeding \$250 in each case, to defray the funeral expenses of said employees, namely:

To Eleanora Thomas, widow of Alexander B. Thomas, late a laborer; To the widow of David M. Gardner, late a private on the Capitol police force;

To Elizabeth Welch, widow of Andrew J. Welch, late an official reporter of debates;

To the widow of George H. Morisey, late a messenger on the soldiers' roll; and

To John D. Fahey, administrator of the estate of Charles W. Rogan, late a messenger.

Mr. CURRIER. Mr. Speaker, I ask unanimous consent to amend that by striking out the words "Andrew J." and inserting "A. C.," so that it will read "widow of A. C. Welch."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

LAURA E. ALLEN.

Mr. CURRIER. I also submit the following privileged report (No. 2224) from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 992, in lieu of House resolution 988.

Resolved, That there shall be paid out of the contingent fund of the House to Laura E. Allen, clerk to the late Representative AMOS L. ALLEN, of Maine, the sum of \$125 as clerk-hire allowance for the month of February, 1911.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADDITIONAL CLERK, COMMITTEE ON ENROLLED BILLS.

Mr. CURRIER. Mr. Speaker, I also submit the following privileged report (No. 2220) from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 968.

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint an additional clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of \$6 per day from this date.

With the following amendment:

In line 5 strike out the words "from this date" and insert "during the remainder of the present session."

Mr. MANN. How much is that?

Mr. CURRIER. One for the present session. Two were given the last time.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

MAKING BIRMINGHAM, ALA., A SUBPORT OF ENTRY.

Mr. UNDERWOOD. Mr. Speaker, I call up as a privileged matter the bill (H. R. 29708) to constitute Birmingham, in the State of Alabama, a subport of entry, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That Birmingham, in the State of Alabama, be, and the same is hereby, constituted a subport of entry in the customs collection district of Mobile, and that the privileges of section 7 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the said subport of Birmingham, Ala.

Mr. UNDERWOOD. Mr. Speaker, this bill comes from the Committee on Ways and Means with a unanimous report.

Mr. MANN. I doubt whether it is a privileged matter, but I hope it will pass.

Mr. AUSTIN. It ought to pass.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. UNDERWOOD, a motion to reconsider the last vote was laid on the table.

WITHDRAWAL OF PAPERS.

Mr. WILSON of Illinois. Mr. Speaker, I want to ask unanimous consent to withdraw a report on a certain bill that we have reported from the Committee on Merchant Marine and Fisheries in which a mistake has been made, and have it corrected. It is a bill to establish a fish hatchery in Tennessee.

The SPEAKER. This request was made on yesterday and submitted by the Chair, but the gentleman from Tennessee [Mr. PADGETT] objected until he could communicate with the gentleman from Illinois about it. Has the gentleman from Illinois seen the gentleman from Tennessee?

Mr. WILSON of Illinois. No; I have not seen him since. I will withdraw the request.

PERMISSIBLE EXPLOSIVES.

Mr. COOPER of Pennsylvania. I ask unanimous consent to print as a House document Miners' Circular No. 2 on permissible explosives. I asked it the other night, and the gentleman from New York objected. He did not understand what the request was. He has withdrawn his objection.

The SPEAKER. Is there objection?

There was no objection.

DISTILLED SPIRITS—FRUIT BRANDY.

Mr. LONGWORTH, from the Committee on Ways and Means, reported, with amendments, the bill (H. R. 28626) to amend the internal-revenue laws relating to distilled spirits, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and with the accompanying report (No. 2219) ordered to be printed.

LEAVE TO WITHDRAW PAPERS—JOSEPH W. HAWKINS.

By unanimous consent, at the request of Mr. HAMLIN, leave was granted to withdraw from the files of the House the papers in the case of Joseph W. Hawkins (H. R. 30431) without leaving copies, no adverse report having been made thereon.

ADJOURNMENT.

Mr. FOSTER of Vermont. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 13 minutes p. m.) the House adjourned, to meet on Thursday, February 23, 1911, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of an act for the relief of Cooper Walker, with recommendation thereto (H. Doc. No. 1400); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney General submitting an estimate of appropriation for rent of quarters (H. Doc. No. 1401); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for reimbursement of the State of Idaho (H. Doc. No. 1402); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for claims of citizens of Hawaii (H. Doc. No. 1404); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting a recommendation as to the disbursement of appropriations for certain emergency work in connection with the care of public buildings (H. Doc. No. 1403); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 10761) to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes, reported the same without amendment, accompanied by a report (No. 2215), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 10313) to provide for an enlarged homestead entry in Nevada where sufficient water suitable for domestic purposes is not obtainable upon the lands, reported the same with amendment, accom-

panied by a report (No. 2217), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MOON of Pennsylvania, from the Committee on Revision of the Laws, to which was referred the resolution of the House (H. J. Res. 281) to create a joint committee to continue the consideration of the revision and codification of the laws of the United States, reported the same without amendment, accompanied by a report (No. 2218), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BENNET of New York, from the Committee on Foreign Affairs, to which was referred the resolution of the House (H. J. Res. 239) authorizing the President to instruct representatives of United States to next International Peace Conference to express desire of United States that nations shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference, reported the same without amendment, accompanied by a report (No. 2216), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McCALL, from the Committee on the Library, to which was referred the resolution of the Senate (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, reported the same without amendment, accompanied by a report (No. 2214), which said resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 32878) to refund certain tonnage taxes and light dues, and the same was referred to the Committee on the Merchant Marine and Fisheries.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GRIEST: A bill (H. R. 32893) to extend the penny-postage rate on local delivery first-class mail matter to post offices where the system of free delivery is established; to the Committee on the Post Office and Post Roads.

By Mr. LOUDENSLAGER: A bill (H. R. 32894) to provide for the performance of the duties of the office of Clerk, Sergeant at Arms, Doorkeeper, and Postmaster of the House of Representatives, respectively, in case of the death or resignation of the incumbent during the interim between sessions of Congress; to the Committee on Accounts.

By Mr. CARLIN: A bill (H. R. 32895) to provide for the erection of a monument to the signers of the Declaration of Independence; to the Committee on the Library.

By Mr. PARKER (by request): A bill (H. R. 32896) to amend section 915 of the Revised Statutes, and for other purposes; to the Committee on the Judiciary.

By Mr. BENNET of New York: A joint resolution (H. J. Res. 292) relating to alien deportations; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 32897) to remove the charge of desertion against the military record of Robert Burns; to the Committee on Military Affairs.

By Mr. BURLEIGH: A bill (H. R. 32898) granting an increase of pension to Horatio B. Baker; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 32899) granting a pension to Adelia Converse; to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 32900) granting an increase of pension to Charles H. Webster; to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 32901) granting an increase of pension to Marcus W. Dewitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32902) granting an increase of pension to L. J. Richardson; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 32903) granting a pension to Emily A. Ballard; to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 32904) granting an increase of pension to Thomas Porter; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 32905) granting an increase of pension to Joseph G. Long; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Gerhard Lang Council, No. 298, Catholic Benevolent Legion, Buffalo, against increase in the postal rates on magazines; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of H. M. Higginbotham, of Antwerp, Ohio, against a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of Welty Overland Automobile Co., of Toledo, Ohio, for House bill 32570; to the Committee on Interstate and Foreign Commerce.

Also, petition of Schoenbrun Grange, No. 1455, New Philadelphia, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of Bricklayers' and Plasterers' Union of Missouri, against printing notes, bonds, and checks of the Government by machine presses; to the Committee on Printing.

By Mr. BUTLER: Petition of citizens of seventh Pennsylvania congressional district, for election of Senators by popular vote; to the Committee on the Judiciary.

Also, petition of Pomona Grange, No. 3, Patrons of Husbandry, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. BYRNS: Petition of the Legislature of Tennessee, for additional immigration legislation; to the Committee on Immigration and Naturalization.

By Mr. DAVIS: Petition of merchants of Shakopee, Henderson, Waconia, Cologne, Gaylord, Winthrop, Carver, Chaska, Plato, and Gibbon, Minn., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Lander & Zimmerman, Brownston, Minn., and W. G. Faber and others, Norwood, Minn., against a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Petition of the American Scenic and Historic Preservation Society, for House bill 2258—right of way over certain sections of the Grand Canyon Monument Reserve in Arizona; to the Committee on the Public Lands.

By Mr. DUREY: Petition of Home Missionary Society, of Johnstown, N. Y.; the Woman's Mission Society of the Methodist Episcopal Church, Greenwich; the Home Missionary Society of the First Methodist Episcopal Church, of Gloversville, N. Y.; and the Woman's Home Missionary Society, of Gloversville, N. Y., for the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. ESCH: Paper to accompany bill for relief of Capt. Ballard; to the Committee on Pensions.

By Mr. FULLER: Petition of C. E. Sheldon, of Rockford, Ill., favoring the Esch phosphorus bill, House bill 30022; to the Committee on Ways and Means.

Also, petition of citizens of Winnebago County, Ill., against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Mrs. Ella Zacher, Peru, Ill.; Florence E. Myers, Streator, Ill.; and E. W. Beedle, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: Petition of C. E. Young and others, of Corinna, Me., and J. F. Ayer, South Dover, N. Y., against the Canadian reciprocity bill; to the Committee on Ways and Means.

Mr. HAMLIN: Paper to accompany bill for relief of Thomas Young and W. M. Jolly; to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Thomas F. Jessup; to the Committee on Military Affairs.

By Mr. HANNA: Petition of Socialist Union of Lakota, N. Dak., for a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Streeter, N. Dak., against Senate bill 404 and House joint resolution 17; to the Committee on the District of Columbia.

Also, petition of citizens of North Dakota, relative to rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of J. C. F. Parker & Co. and others, citizens of North Dakota, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Memorial of Westbury Quarterly Meeting of the Society of Friends, against expending public funds for warlike preparations, especially for fortification of the Panama Canal; to the Committee on Military Affairs.

By Mr. KENNEDY: Petition of J. T. Miller and others and Alliance Chapter of the American Woman's League, against postage increase on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. LANGHAM: Petition of Kaylor Grange, No. 1396, Karns City, Butler County, Pa., for Senate bill 5842, relative to oleomargarine tax; to the Committee on Agriculture.

By Mr. LATTA: Petition of Herman Rewse and others, of Hubbard; L. V. Ackerman and others, of Verdala; Anthony Hirschman and others, of Hartington; Frank Storm and others, of Royal; Beller Bros. and others, of Norfolk; C. E. Rundgarst and others, of Royal; W. L. Ross and others, of Dakota; James Sulloway and others, of Homer; Anchey Alloway and others, of Homer; and Peter E. Brace and others, of St. Libory, all in the State of Nebraska, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of T. C. Allsvede and 26 other residents of Sanford, Mich., for the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of Thomas Sheridan and 37 other residents of Mount Hope, Mich., against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. MCKINNEY: Petition of citizens of Illinois, for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. McMORRAN: Petition of Mrs. C. P. Johnson, secretary of Hadley and Elba Farmers' Club, of Michigan, against the reciprocity treaty; to the Committee on Ways and Means.

By Mr. MANN: Protest of citizens of Chicago, Ill., against legislation for a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of Weeks Photo Engraving Co., American Paper and Pulp Association, and Henry A. Roberts, all of Philadelphia, Pa., against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petitions of Washington Camps Nos. 574 and 441, Patriotic Order Sons of America, urging passage of House bill 15413; to the Committee on Immigration and Naturalization.

Also, petitions of George L. Carnan, Elwood Wilson, Robert W. Fragan, John E. Reiter, all of Philadelphia, urging purchase of Carpenter tract for public park in District of Columbia; to the Committee on the District of Columbia.

Also, petition of Samuel S. Fels and Miss Elizabeth P. Lewis, of Philadelphia, Pa., urging the establishment of Federal children's bureau; to the Committee on Expenditures in the Interior Department.

Also, petition of Pennsylvania Antisaloon League, against admission of New Mexico as a State; to the Committee on the Territories.

By Mr. O'CONNELL: Petition of the Merchants' Association of Fall River, favoring construction of canal between Boston and Fall River by the United States Government; to the Committee on Interstate and Foreign Commerce.

By Mr. A. MITCHELL PALMER: Petition of Washington Camps Nos. 601 and 635, Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. SLAYDEN: Petition of citizens of Texas, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of Maritime Association of the Port of New York, for appointment of Hon. Thomas J. Scully a member of the House Committee on the Merchant Marine and Fisheries; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Pictorial Review Co., of New York, against postage increase on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. THOMAS of Ohio: Petition of Council No. 160, Junior Order United American Mechanics, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. WANGER: Petition of Post No. 515, Grand Army of the Republic, Department of Pennsylvania, located at Schwenksville, Pa., for the passage of the Sulloway pension bill; to the Committee on Invalid Pensions.

Also petitions of the Pennsylvania Society to Protect Children from Cruelty, the Juvenile Protective Association, and Mr. Porter R. Lee, of Philadelphia; and the Civic Club of Allegheny County, of Pittsburgh, Pa., for the passage of the bill (H. R. 27068) to establish a Federal children's bureau; to the Committee on Expenditures in the Department of Commerce and Labor.